Civil Action No.________________________

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Deborah Lamb, pro se and
John Mecca, pro se as Sovereign People of the UNITED STATES

v.

Andrew M. Cuomo,
Governor for N.Y.S, Et al.

JURY DEMAND COMPLAINT FOR INJUNCTIVE RELIEF AND FOR DAMAGES (42 USC 1983)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---x

Deborah Lamb pro se and John Mecca, pro se as Sovereign People of the UNITED STATES

Plaintiffs,

v.

JURY DEMAND
COMPLAINT
FOR INJUNCTIVE
RELIEF AND
FOR DAMAGES
(42 USC 1983)

Civil Action No.________
(Judge's initials)

a. Andrew M. Cuomo the Governor for N.Y.S.;

b. Eric T. Schneiderman the Attorney General for N.Y.S.;

c. Howard A. Zucker the Public Health Commissioner for N.Y.S.;

d. Anne Marie T. Sullivan the Mental Health Commissioner for N.Y.S.;

e. Janet DiFiore the Chief Judge and the Head of the New York State Court System;

f. COUNTY of SUFFOLK the municipality;

g. Steven Bellone the Suffolk County Executive;

h. Thomas J. Spota the Suffolk County District Attorney;

i. Annmarie Csorny, the acting Director Suffolk County Mental Hygiene;

j. Dr. James L. Tomarken the Suffolk County Commissioner of Pubic Health;

k. John F. O'Neill the Suffolk County Commissioner Suffolk County Social Services;

l. Timothy D. Sini the Suffolk County Police Commissioner;

m. Vincent F. DeMarco the Suffolk County Sheriff;

n. Judith A. Pascale the Suffolk County Clerk;

o. John Doe(s) # 1-20.

Defendants(s).

---x

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TOMLINSON, M.J.

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JURY DEMAND
and
APPLICATION FOR PRELIMINARY INJUNCTION

TO THE HONORABLE JUDGE AND JURY OF SAID COURT:

COMES NOW, plaintiffs' Deborah Lamb, sui juris and John Mecca, sui juris, each others next friend, complaining of the defendants et al herein, plaintiffs respectfully shows to this Court, and alleges as follows:

INTRODUCTION

> "Mr. GLENN. Madam President, if I approached any Senator here and I said, "You did not know it, but the last time they went to the doctor or went to the hospital, your wife or your husband or your daughter or your son became the subject of a medical experiment that they were not even told about. They were given medicine, they were given pills, they were given radiation, **they were given something** and were not even told about this, were not even informed about it, yet they are under some experimental research that might possibly do them harm—maybe some good will come out of it, but maybe it will do them harm also—but they do not know about it," **people would laugh at that and say that is ridiculous. That cannot possibly happen in this country. Yet, that very situation is what this piece of legislation is supposed to address....**"
>
> ---- United States Senator John Glenn. "Congressional Record S645 January 22, 1997", prior to becoming a Senator he was the first American to circle the Earth in outer space in 1962.

Plaintiffs brings this civil rights action for damages and other relief under "Civil Rights Act of 1871, 42 USC § 1983" and "Pierson v. Ray, 386 US 547 - Supreme Court AT 566, 567 (1967)" and inter alia other laws and authorities for all of defendants' et al for violations inter alia of plaintiffs' clearly established substantial and substantive rights secured by the Fourth, Fifth, Fourteenth and other Amendments of the Constitution of the United States for equal protection of the laws SEE;

> "All laws which are repugnant to the Constitution, are null and void from inception." – Chief Justice John Marshall, "Marbury v. Madison, 5 US 137 Supreme Court (1803)"; "(1803) 16 Am Jur 2d, Sec 177, late 2d, Sec 256

"No one is bound to obey an unconstitutional law, and no courts are bound to enforce it.",

and,

"Montgomery v. Louisiana, Supreme Court (2016), I. Jurisdiction, B..."[I]f the laws are unconstitutional and void, the Circuit Court acquired no jurisdiction of the causes."

I. PRELIMINARY STATEMENT

1. As noted above in the "Introduction" Senator John Glenn's speech before the United States Senate spoke of covertly carried out human experimentation as both treatment and egregious experimental treatment causing harm and his speech was to the Senate that day directly to his contemporary Senators who were from every State of the Union which by direct implication his speech was directed to their States that harm by covert experimentation was being carried out in all of the Union's States and speaking as he did it was before the whole world in Public to the United States Senate makes the issue of secrecy and confidentiality moot as a means for the defendants et al to hide covert shock the conscience experimental treatments because the whole world now knows such things are factual by the Senator John Glenn's speech and plaintiffs' exhibits herein proving that the unconscionable sanctions of defendants et al alleged by plaintiffs are thereby actionable for exposure here by this complaint. The defendants' unconstitutional policy of conduct has and is egregiously violating plaintiffs' civil rights for more than a decade and has been caused by defendants being the final policy makers deriving said policy from unconstitutional N.Y.S. laws that authorizes encompassing plaintiffs in defendants' scheme of unlawful conduct that permitted defendants to secretly adjudicate plaintiffs to be conferred with the status inter alia of an incompetent or conservatee, said defendants' processes never gave service or process to plaintiffs despite United States Supreme Court proclamations that any person whom is to be at risk of having their liberty restricted must be given opportunity to defend themselves in the form of the natural person, instead by the defendants' policy of adopting the N.Y.S. laws which grants defendants' unconstitutional power so that defendants do not have to serve plaintiffs' service of process, the defendants have not noticed plaintiffs before

during or after the defendants' sanctions to reduce their liberty defined here as having violated plaintiffs' inter alia substantial and substantive due process provisions of the FIFTH and FOURTEENTH Amendments under the UNITED STATES CONSTITUTION, said violations by defendants prevents plaintiffs from having the record of the ex parte secret adjudication where plaintiffs were sanctioned to have their federal civil rights and liberties restricted in absentia, therefore by said defendants' violations the plaintiffs herein show said unconstitutional N.Y.S. laws that defendants have adopted as the final policy makers demonstrates the defendants' unconstitutional N.Y.S. scheme of laws that defendants have that grants them permission and authority to find "SOVEREIGN" people of the United States such as plaintiffs in New York State jurisdiction including its Counties such as Suffolk County to be tried in absentia and then never ever be told of the adjudication before during or after said adjudications occurrence, where after said adjudications the plaintiffs were by defendants' sanctions subsequently covertly surgically altered by installation of implanted devices or sanctioned for the maintenance of said surgical alterations of devices inserted into plaintiffs' bodies causing egregious effects of punishment upon plaintiffs. Said adjudications having been secret the defendants never gave any knowledge of the said adjudications docket number or identifier to plaintiffs and such information is demanded of defendants as an issue of a part of the remedy sought. The plaintiffs here in this complaint provide unbiased witness testimony exhibits that prove there are devices inside plaintiffs' bodies, there are scars on plaintiffs from covert surgery, electrical energy tests and other facts prove plaintiffs have been implanted with devices and plaintiffs have been and are being egregiously affected and that the N.Y.S. laws as defendants' policy plainly allows for secret adjudications and subsequent secret covert surgery and egregious treatment as punishment, thereby the plausibility of the defendants use of N.Y.S. laws encompassing plaintiffs corresponds to the plaintiffs' evidence of witness affidavits, which makes plaintiffs' demands of records and depositions of defendants justifiable in the interests of justice. It is not just logical conclusions of suspicion by plaintiffs that the defendants are the responsible parties for plaintiffs' complaint here, rather it is plaintiffs' more than plausible proof that the N.Y.S. laws enforced by defendants as their policy clearly fits perfectly the allegations of plaintiffs' complaint in conjunction with the defendants' policy being responsible for the plaintiffs' evidence of their witness affidavits attesting to scars on plaintiffs originating from defendants' sanctioned covert surgery that installed aversive devices into plaintiffs' bodies, further witness affidavits attesting to electrical energy tests proving the devices are inside plaintiffs' bodies and being egregiously harmed as a result of defendants' sanctions. The N.Y.S. laws as described are on the books of the NY.S. Code for defendants to use as their policy are unconstitutional individually and as a scheme that is at issue here in this case has and is being used to egregiously violate plaintiffs' federal civil rights and physically harm the plaintiffs. Plaintiffs have been deprived of liberty without due process by defendants in a way that is so contrary to the United States Constitution, the United States Supreme Court edicts, is wholly immoral to engage in that the defendants' unconstitutional conduct was not conduct of law, but, was factually as will be understood from this complaint to be the conduct of defendants conspiring to adopt as their policy the scheme of unconstitutional New York State laws to violate plaintiffs' rights and maintain utter secrecy of those violations to prevent any remedy and thereby preserve utter secrecy of the defendants' egregious conduct shocks the conscience, plaintiffs therefore were left by the defendants in a circumstance where plaintiffs had no knowledge whatsoever of defendants' sanctions upon them was and is unconstitutional conduct by defendants leaving plaintiffs without any remedy whatsoever by said defendants' utter secrecy and therefore plaintiffs seek relief by having the Court grant inter alia an injunction against unconstitutional N.Y.S. laws that defendants have enforced against plaintiffs violating their substantial rights, furthermore plaintiffs were denied any availability for a habeas corpus or any remedy by defendants' unconstitutional conduct of sanctioning plaintiffs unnecessarily in absentia as the plaintiffs were always available to at least tell them what was sanctioned upon them by defendants and therefore the defendants' sanctions at the time of enforcement of them upon plaintiffs were irrational making all of the processes of quasi-judicial decisions and or full court hearing decisions of defendants upon plaintiffs moot and a nullity as an issue of merit. The defendants' unconstitutional conduct is unparalleled in the course of history as a means by authorities to use technology to taint the blood of such as plaintiffs and is the epitome of a tyrannical government using secret force to cause harm to New Yorkers such as plaintiffs. The plaintiffs' fear for their lives from defendants' violations, at no time during the history of the United States has their been such an extensive extreme scheme by a State(s) authorities devising of laws to purposefully violate in utter secrecy the United States Constitution's Amendments of substantial and substantive civil rights of plaintiffs' whom are "SOVEREIGN" people of the United States SEE Chisholm v. Georgia, 2 US 419 - Supreme Court at page 454 (1793); Afroyim v. Rusk, 387 US 253 - Supreme Court at page 257 (1967); Broadrick v. Oklahoma, 413 US 601 - Supreme Court at page 620 (973); thereby public servants defendants must fully disclose all confidential and privileged records and knowledge regarding plaintiffs for having violated plaintiffs' federal civil rights and federal laws. The defendants participated inter alia in the sanctioning of plaintiffs in ex parte adjudications in utter secrecy as incompetents, sanctioned secretly appointing guardians, sanctioned covert surgical installation of aversive psychosurgery in vivo devices causing egregious aversive effects in plaintiffs' bodies, sanctioned secret use of said devices secondary capability to carry out aversive treatments on plaintiffs remotely, relentlessly and without mercy, where the effects of defendants' sanctions occur wherever they go and those sanctions under N.Y.S. laws and rules maintain the utter secrecy of defendants' unconstitutional sanctions to deprive plaintiffs of their substantial and procedural rights and is prohibited by law(s), SEE;

> *"Acevedo v. Surles, 778 F. Supp. 179 - Dist. Court, SD New York at 187 (1991); "`the root requirement of the Due Process Clause' is `that an individual be given an opportunity for a hearing before he is deprived of any significant protected interest.'"Zinermon v. Burch, supra,*

494 U.S. at 127, 110 S.Ct. At 984 (quoting Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 542, 105 S.Ct. 1487, 1493, 84 L.Ed.2d 494 (1985)).",

and,

"KAIMOWITZ v. DEPARTMENT OF MENTAL HEALTH FOR THE STATE OF MICHIGAN. No. 73·19434·AW (Mich. Cir. Ct., Wayne County, July 10, 1973)...Freedom of speech and expression, and the right of all men to disseminate ideas, popular or unpopular, are- fundamental to ordered liberty. Government has no power or right to control man's minds, thoughts, and expressions. This is the command of the First Amendment. And we adhere to it in holding an involuntarily detained mental patient may not consent to experimental psychosurgery."

2. Where defendants as officials' entitlement to qualified immunity is the usual rule it gives way where all reasonable persons in the defendants' position would understand that the conduct in question violates federal rights, preexisting case law is not required in the narrow category of cases such as this instant case to remove defendants' qualified immunity where the defendants' color of law misconduct obviously has affected the very core of the plaintiffs' rights at issue, SEE;

"Hope v. Pelzer, 536 US 730 - Supreme Court AT 754 (2002);...the [Constitution] prohibits that the unlawfulness of the conduct was readily apparent to the official, notwithstanding the lack of caselaw"); Lassiter v. Alabama A&M Univ., 28 F. 3d 1146, 1150, n. 4 (CA11 1994) ("[O]ccasionally the words of a federal statute or federal constitutional provision will be specific enough to establish the law applicable to particular circumstances clearly and to overcome qualified immunity even in the absence of case law")."

3. The defendants includes judicial defendants for inter alia their participation in violating United States Constitution Bill of Rights of plaintiffs and those judicial defendants are authorized to be defendants by, SEE;

"Pierson v. Ray, 386 US 547 - Supreme Court at 548, 549 (1967); These cases present issues involving the liability of local police officers and judges under Section 1 of the Civil Rights Act of 1871, 17 Stat. 13, now 42 U.S.C. Section 1983.",

and,

*"Pierson v. Ray, 386 US 547 - Supreme Court at 561, 563 (1967); The position that Congress did not intend to change the common-law rule of judicial immunity ignores the fact that every member of Congress who spoke to the issue assumed that the words of the statute meant what they said and that judges would be liable....563*563...There was no exception for members of the judiciary. In light of the sharply contested nature of the issue of judicial immunity it would be reasonable to assume that the judiciary would have been expressly exempted from the wide*

sweep of the section, if Congress had intended such a result.... Some state courts have been instruments of suppression of civil rights. The methods may have changed; the means may have become more subtle; but the wrong to be remedied still exists.",

and,

*"Pierson v. Ray, 386 US 547 - Supreme Court AT 566, 567 (1967);...What about the judge who knowingly turns a trial into a "kangaroo" court? Or one who intentionally flouts the 567*567 Constitution in order to obtain a conviction? Congress, I think, concluded that the evils of allowing intentional, knowing deprivations of civil rights to go unredressed far outweighed the speculative inhibiting effects which might attend an inquiry into a judicial deprivation of civil rights.[6]*
The plight of the oppressed is indeed serious. Under City of Greenwood v. Peacock, 384 U. S. 808, the defendant cannot remove to a federal court to prevent a state court from depriving him of his civil rights. And under the rule announced today, the person cannot recover damages for the deprivation."

4. This complaint regards the highly unusual circumstances of N.Y.S. defendants violating the core rights of plaintiffs by the utter secrecy of defendants as enforcement actions including judicial and quasi-judicial officials under N.Y.S. laws whom violated plaintiffs' substantial and substantive rights and with the same laws prevent plaintiffs as in PIERSON V. RAY from bringing their case to federal court by the N.Y.S. laws machinations of utter secrecy. This is being done to plaintiffs where the N.Y.S. public at large has absolutely no knowledge or belief such things could be going on in their State and yet such laws are on the books of the N.Y.S. Code, written in a disjointed way and difficult to see the laws working in ways that cause egregious utter secrecy, laws, that authorize enforcement of egregious unconstitutional acts upon New Yorkers such as plaintiffs. Therefore the plaintiffs cannot know specifically other than by plausibility who the actors are that should be specifically named in this case, due to the utter secrecy except for the N.Y.S. Governor SEE (EXHIBIT 1 - Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}), the caption of this complaint specifically names defendants whom are N.Y.S. officials for the reason they are the plausible and obvious candidates that would have records regarding plaintiffs' allegations, so, they are defendants here for the purpose of obtaining records relating to plaintiffs' allegations, because those defendants have positions of authority enforcing the

utterly secret deprivations alleged to be upon plaintiffs. Therefore, defendants plausibly know where records are regarding plaintiffs' allegations and plausibly know what has been sanctioned upon plaintiffs and they plausibly would know where such records are being kept and for those reasons plaintiffs name them. The defendants John Doe(s) #1-20 are the actors plaintiffs plausibly contend collaborated in carrying out the egregious civil rights violations and other violations upon plaintiffs. Plaintiffs seek compensatory and punitive damages where applicable from as yet unspecified defendants heretofore known as defendants John Doe(s) #1-20, names being fictitious and unknown, employees and associates of defendants, who participated in the improper examination, evaluation, commitment, nomination of them for experimental surgery, installation of experimental in vivo aversive punishment devices, and placement in an experimental outpatient program equivalent to a jail or psychiatric facility, all in secret without service or notice to plaintiffs in the form of the natural person. The aforementioned circumstances of plaintiffs have them at a supreme disadvantage regarding bringing suit and therefore it is in the interests of justice that plaintiffs plead extensively the way they have. The defendants of judicial, quasi judicial and or other of defendants deciders that engaged in actions upon plaintiffs that resulted in giving plaintiffs no notice whatsoever as to deprivations upon plaintiffs' substantive and substantial rights, did so in contradiction of carrying out the "public good", for the public good is already well settled by so much United States Supreme Court case law and other legal strictures that violations of such as plaintiffs' United States Constitution substantive and substantial rights is the true "public good" to be preserved, which was purposefully and wantonly disregarded by said defendants whom knew or should have known of the egregious effects from the laws at issue in this complaint would contribute to violations of plaintiffs' rights. The defendants by many violations of plaintiffs' rights have in effect by each separate violation created a scheme of New York State laws authorizing defendants' enforcement of utter secrecy by never noticing New Yorkers such as plaintiffs, the defendants' deprivations were subsequently used to forever hide from plaintiffs the defendants' unconstitutional sanctions upon plaintiffs, is thereby deliberate indifference to a substantial risk of serious harm to such as plaintiffs who have elaborated their suffering herein which is the equivalent of defendants et al recklessly disregarding that risk which includes violations of plaintiffs' United States Constitutional rights; in effect by the defendants enforcing unconstitutional N.Y.S. laws at issue in this complaint as their knowing of those laws unconstitutionality is thereby defendants' punishing plaintiffs by violating the federal constitutional rights of plaintiffs and enforcing as a following of illegal orders in the form of unconstitutional N.Y.S. Laws in secretly and covertly adjudicating plaintiffs and defendants violated their oaths of office to uphold the United States Constitutional rights of the sovereign peoples of plaintiffs. The defendants' actions by judicial, quasi judicial and or other of defendants as the deciders that engaged in the egregious deprivations upon plaintiffs have done nothing less than to spit upon Supreme Court decisions outlawing secret tribunals that offer no opportunity for remedy to discover whether the defendants' deprivations are constitutional or not SEE "Zinermon v. Burch, 494 US 113 - Supreme Court at 126 (1990); This inquiry would examine the procedural safeguards built into the statutory or administrative procedure of effecting the deprivation, and any remedies for erroneous deprivations provided by statute or tort law."; it is monstrous for the defendants to have prevented as they have such as plaintiffs from knowing what has been done to them, so that they could seek remedy. The defendants knew or should have known not to follow unconstitutional New York State laws, to follow those laws where they knew or should have known those laws were unconstitutional and furthermore what defendants did to plaintiffs in carrying out virtually a secret tribunal is taboo and forbidden by the United States Supreme Court as shown in this complaint; thereby the defendants cannot claim immunity from suit by the N.Y.S. laws at issue being just now determined in this case to be unconstitutional as an excuse and ploy to remove themselves from liability, thereby defendants' sanctions upon plaintiffs cannot be construed to have been done with defendants' believing that such sanctions were done in good faith, for they were not. The motives of the N.Y.S. laws at issue and the defendants enforcing them was to carry out secret deprivations and that was and is the defendants' et al motive in contradiction to so much Supreme Court and other federal courts demands upon lower State(s) courts and the authorities therein known here as the defendants' et al, said motives of violating the United States Constitutional rights of such as plaintiffs can thereby be construed to be that defendants et al had motives by going along with violating the United States Constitutional rights of such as plaintiffs because in the alternative they could have spoken out and exposed the defendants' secret organization to create a secret dungeon of depraved violations of immutable rights of such as plaintiffs, but instead the defendants each chose not to expose it for the personal gain of remaining a participant in good standing with all the attendant rewards of personal gain in remaining employed and guaranteeing their pension from the N.Y.S. of authorities that had taken down and eaten away the United States Constitutional rights of such as plaintiffs. Instead of defendants blowing the whistle about the unconstitutional secret virtual dungeon of N.Y.S. where they would have been exonerated of breaking laws of confidentiality they instead chose the easy and comfortable route protecting their personal interests by remaining silent to this day. Plaintiffs have and are being harmed as attested to by their expert witness affidavits, said harm has been caused by the defendants through their sanctioning the enforcement of unconstitutional N.Y.S. laws causing utterly secret deprivations of rights to carry out egregious aversive experimental secret punishment treatments upon plaintiffs, being well beyond the limits of ordinary cruelty is an atrocity, caused by unrestrained power of defendants upon plaintiffs which has made their lives a living hell. The laws causing said harm to plaintiffs are inter alia "N.Y. Code - Section 4501: Self-incrimination" and "N.Y. CVP. LAW Article 3 Section 309.(b,c)" where those laws authorize utterly secret ex parte deprivations by those laws giving no meaningful opportunity for such as plaintiffs to defend themselves against defendants' sanctions, the utter secrecy of defendants' deprivation processes cause a person thus affected such as plaintiffs to suffer continually inter alia substantial rights violations of their due process provisions of the FIFTH and Fourteenth Amendments under the United States Constitution. The N.Y.S. authorities as defendants' et al have exclusive purview to carry out sanctions by said N.Y.S. laws as regards the plaintiffs' allegation of harm from them which delineates defendants as the plausible actors responsible for plaintiffs being harmed and does preclude the Court from any contention that other than the named defendants could be responsible for said harm. The defendants' enforcement of unconstitutional N.Y.S. laws that caused said harm to plaintiffs are inter alia violations of plaintiffs' due process provisions of the FIFTH Amendment under the United States Constitution is being hidden by further unconstitutional N.Y.S. laws enforced by defendants of confidentiality resulting in utter secrecy is authorized under inter alia "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client..." which is a violation of the plaintiffs' inter alia substantial rights of due process provisions of the FIFTH Amendment under the United States Constitution. The plaintiffs' aforesaid statement must be by the Court viewed in context that N.Y.S. laws and the defendants that enforce those laws have thereby a custom and practice of authorizing themselves thereby to breach their Oaths of office to uphold the United States Constitution. The further statements of plaintiffs are necessary to be meticulously thorough in their pleadings. The plaintiffs Deborah Lamb sui juris and John Mecca sui juris together and separately state for this proceeding that neither plaintiff waives any substantial or substantive rights, Sovereign rights, inherent rights, Federal or State civil rights nor any other rights of theirs to the Court or to the defendants, but instead retain all their rights inviolate, as well the Court in its entirety are obligated by their Oaths of office to follow and faithfully obey the United States Constitution and all said within SEE "Marbury v. Madison, 5 US 137 Supreme Court (1803)...a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument";"Griswold v. Conneticut, 381 US 479 – SC at 513

(1965)...our Court has constitutional power to strike down statutes, state or federal, that violate the commands of the Federal Constitution," to the effect that this Court has the obligation and power to proclaim the New York State laws herein shown to be unconstitutional must be stricken from the N.Y.S. Code or modified appropriately. In this action, plaintiffs have the status of Sovereigns, SEE "Wilson v. Omaha Tribe, 442 U. S. 653, 667 (1979) (quoting United States v. Cooper Corp., 312 U. S. 600, 604 (1941)"; See also "United States v. Mine Workers, 330 U. S. 258, 275 (1947)". The defendants' sanctions for plaintiffs to be treated as alleged in this complaint was done in utter secrecy as a sanction that plaintiffs are to be used indefinitely in egregious treatment programs were and are invalid, illegal and unconstitutional and not enforceable. The plaintiffs in the form of the natural person never consented or knew of any defendants' sanctioned treatment regarding the allegations of this complaint and plaintiffs never consented to or knew about any defendants' sanction for a device to be placed in their bodies and plaintiffs never consented to have any device or treatment maintained as a sanction by defendants inside their bodies. The defendants' inaction to stop the unconstitutional actions upon plaintiffs was caused by defendants' sanctions and or inaction as a failure to stop those actions, all defendants by carrying out what is alleged by plaintiffs is as a result of those defendants following illegal orders making them all culpable in said actions upon plaintiffs. The plaintiffs have been subjected by defendants' sanctions of installation and use of in vivo devices that output aversive egregious harming effects from inter alia electrical and electromagnetic energies that the defendants have sanctioned said treatment of plaintiffs by defendants' reckless unconstitutional sanctioning of plaintiffs by enforcing unconstitutional N.Y.S. laws upon plaintiffs, said enforcement scheme of defendants took the form of inter alia egregious utterly secret sanctions of competency and or mental illness hearings, secret appointment of legal counsel authorized by N.Y.S. Laws/rules to waive or remain silent regarding plaintiffs' substantive due process rights resulting in dispensing with service to plaintiffs during adjudication, secret appointment of a guardian like entity enabled by the adjudicating body, subjection of plaintiffs to covert unconstrained diagnoses and treatments enabled and endorsed by the adjudicating body to covert aversive pain and physiology alteration treatments using surgically installed in vivo devices in the plaintiffs' bodies, which plaintiffs were never made aware of said egregious sanctions by defendants as they were never given service as notice of hearing regarding said egregious treatments being proposed and subsequently carried out, furthermore N.Y.S. laws directly prohibit all legal counselors from taking plaintiffs' case to look into the matter of the defendants' utterly secret sanctions and egregious treatments and still further N.Y.S. laws prohibit medical professionals from telling plaintiffs that defendants have sanctioned installation of in vivo aversive pain and physiology alteration devices in plaintiffs' bodies, said devices have been involved in use to harm plaintiffs in causing inter alia egregious electric shocks to the bodies of plaintiffs as well said devices are involved in use to adversely affect plaintiffs with electric shock aversive treatment energy, electromagnetic spectrum trauma aversive treatment energy, acoustic trauma aversive treatment energy or other of defendants' aversive treatment capability altering plaintiffs' physiology detrimentally, said harms are caused by the sanctions of defendants of remote control in vivo electronic devices. Furthermore plaintiffs show that N.Y.S. laws also prohibit private investigators from divulging or materially supporting in exposing the egregious sanctions of defendants upon plaintiffs, private investigators are by law not allowed to divulge or materially assist in exposing confidential matters in plaintiffs' case. Any N.Y.S. licensed professional as regards N.Y.S. laws enforcing that they carry out unconstrained diagnoses and treatments upon plaintiffs and that subsequently they not divulge any data or knowledge of defendants' et al of said egregious covert treatment sanctions upon plaintiffs knew or should have known that their following said laws at issue in this complaint was and is unconstitutional to do. The aforesaid unconstitutional scheme of defendants shocks the conscience, is immoral and violates many of plaintiffs' civil rights while subjecting plaintiffs to cruel and unusual punishment. The defendants' aforesaid scheme was initiated upon plaintiffs by the defendants recklessly violating their oaths of office to uphold the United States constitution, where they had an obligation to plaintiffs to uphold it and other defendants recklessly violated their obligations to refuse an unlawful order where plaintiffs' civil rights were violated. The unconstitutional N.Y.S. Laws of utter secrecy alleged herein contain even greater extremes to further shock the conscience by said laws and defendants' enforcement of them having the stated authorization to cover up the purposeful or otherwise causation of death to any New Yorker such as plaintiffs encompassed by said laws, when, death is caused by remote control in vivo devices or other remote control energy methodologies sanctioned by defendants et al, said unconstitutional extremes are authorized for enforcement by defendants by the "MHY Title E Article 33 Mental Hygiene § 33.13 Clinical records; confidentiality.(c-9)" by that subpart authorizing the defendants et al Governor's appointed Commissioner(s) being permitted by said law to order concealment of the cause of death whether the result of purposeful testing of a person's endurance, accidental or a result of purposeful trauma testing from in vivo devices sanctioned covertly by defendants, said egregious unconstitutional laws sanctions are demonstrated by the subsequent laws part "(c)-9.-(iv)" authorizing Commissioner(s) to order the following entities not to reveal inter alia that in vivo devices contributed to the cause of death under subpart "(c)-9.-(iv) a coroner, a county medical examiner, or the chief medical examiner for New York city upon the request of a facility director that an investigation be conducted into the death of a patient or client for whom such record is maintained." does illustrate thereby that where "a coroner, a county medical examiner, or the chief medical examiner" discovers during an autopsy that in vivo devices were the cause directly or indirectly of death, they, are N.Y.S. defendant entities that can be ordered to keep such confidential unconstrained treatment from being revealed in publicly accessible reports as to cause of death, so as to prevent exposure of defendants' unconstitutional shock the conscience extremes in causing the deaths of New Yorkers such as plaintiffs. Plaintiffs remind the Court that aversive processes are in effect weapons not much different in effect than a billy club, stun gun taser or a pistol except that the in vivo devices sanctioned by defendants are inside the plaintiffs' bodies and just as a billy club, stun gun taser or pistol the in vivo devices can case death, which plaintiffs fear will occur where the defendants' unconstitutional sanctions are not stopped. The defendants' sanctions are to plaintiffs like being killed by defendants and subjected to defendants will, like puppet slaves controlled by defendants in a free range prison and unable to act independently as a human being, is cruel and unusual punishment as inter alia alleged herein and (i) the defendants' et al sanctions upon plaintiffs are prohibited from enforcing those laws at issue in this complaint that cause cruel and unusual punishments by the laws at issue being unconstitutional (ii) the N.Y.S. legislature itself too is prohibited from creating such laws that are at issue in this complaint that cause cruel and unusual punishments and (iii) judicial imposition and endorsement of such laws which are at issue in this complaint that cause cruel and unusual punishment are forbidden to be tolerated by any juxtaposition of judicial discretion, SEE;

> *"Furman v. Georgia, 408 US 238 - Supreme Court AT 241 (1972); That the requirements of due process ban cruel and unusual punishment is now settled. Louisiana ex rel. Francis v. Resweber, 329 U. S. 459, 463, and 473-474 (Burton, J., dissenting); Robinson v. California, 370 U. S. 660, 667. It is also settled that the proscription of cruel and unusual punishments forbids the judicial imposition of them as well as their imposition by the legislature. Weems v. United States, 217 U. S. 349, 378-382.".*

5. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

II. PLAINTIFFS' EVIDENCE BY SWORN AFFIDAVITS THEY HAVE BEEN SURGICALLY IMPLANTED WITH IN VIVO DEVICES

6. The plaintiffs' FIRST means of standing is where they are directly subject to an adverse effect by the N.Y.S. laws and rules in question, and the harm suffered will continue unless the court grants relief in the form of obtaining inter alia records, compensation for damages and that the laws and rules at issue are voided or nullified which is in part plaintiffs' standing according to and by the "something to lose" doctrine, plaintiffs have this standing because they are being directly harmed by

defendants' reckless enforcement of the unconstitutional N.Y.S. laws and rules which plaintiffs show in this instant case for which plaintiffs are asking the Court for relief. Plaintiffs provide self explanatory affidavits SEE;

a. (EXHIBIT 2. affidavit that plaintiffs would never consent to experimental treatment or any treatment) which includes plaintiffs' identifiers for defendants et al. To search for plaintiffs' records pertinent to the plaintiffs' allegations and demands of this instant complaint.

b. (EXHIBIT 3. affidavit of plaintiffs attesting several N.Y.S. laws are unconstitutional).

c. (EXHIBIT 4. F.O.I.L. responses to Deborah Lamb and John Mecca from "N.Y.S. Office of Mental Health" and from N.Y.S. "Commission on Quality of Care & Advocacy") denying any records exist to keep defendants egregious actions upon plaintiffs utterly secret and the records requested were denied by utilizing the unconstitutional N.Y.S. laws at issue herein.

7. The plaintiffs' SECOND means of standing is relevant here where there has been unconstitutional sanction from defendants et al to enter the plaintiffs into above minimal risk medical experimentation within New York State Jurisdiction or defendants et al entered the plaintiffs directly or indirectly into above minimal risk medical experimentation under the federal jurisdiction's Agency of Health and Human Services (HHS) or other similar laws methods, plaintiffs' claim of said entry into above minimal risk experimentation is plausible by the plaintiffs' evidence of the following listed affidavits as prima facie evidence of covert surgery carried out on both plaintiffs' alleged to be unconstitutionally sanctioned by defendants. One said evidence affidavit sworn to by the expert witness of an electrician attests to the fact that said witness using a metal detector did detect at the lower back of plaintiffs' ears metallic foreign objects under the plaintiffs' skin SEE;

a. (EXHIBIT 4-a. WITNESS AFFIDAVIT OF METAL DETECTOR TESTS), regards observations using a metal detector corresponds to the very same location at the lower back of plaintiffs' ears as the position where scars are, sworn to by affidavit, and,

b. (EXHIBIT 4-b. WITNESS AFFIDAVITS SCARS ARE BEHIND PLAINTIFFS' EARS), regards sworn affidavits from two expert witnesses who observed from photographs taken by professional photographers that scars are behind the plaintiffs' ears, and,

c. (EXHIBIT 4-c. WITNESS AFFIDAVITS FROM TWO PHOTOGRAPHERS) regards the plaintiffs' Deborah Lamb's and John Mecca's pictures of the back of their ears by professional photographers, said pictures are on a CD mounted on the last page of the (4-c.) exhibit, and,

d. (EXHIBIT 4-d. WITNESS AFFIDAVIT OF ELECTROMAGNETIC TESTING MEASUREMENTS) regards electromagnetic measurements tests findings upon Deborah Lamb and John Mecca that demonstrated unique electromagnetic energies exclusively from within their bodies which could only be present by the existence of one or more man made artificial devices surgically installed within both of their bodies and plaintiffs allege said devices have been sanctioned by defendants, sworn to by affidavit, and,

in "United States v. Stanley, 483 US 669 - Supreme Court page 710 1987" in footnotes [2] and [3] the Supreme Court held that the State(s) as well as intelligence agencies were prohibited from giving nontherapeutic treatment to all peoples of the United States by stating "Indeed, the application of such principles to all citizens, including soldiers, is essential in a society governed by law".

8. The several aforesaid witness affidavits are evidence that support the plaintiffs' allegations they have been sanctioned by defendants et al for inter alia covert surgery unconstitutionally performed to install devices causing plaintiffs inter alia egregious harm and defendants' et al sanctioned unconstitutional utterly secret pre and post deprivations that have and are violating the plaintiffs' federal civil rights and other rights, the defendants' sanction, participation and knowing of their unconstitutional conduct causes defendants to be culpable and therefore liable for the deprivation of rights and subsequent inter alia unconstitutional aversive medical experimentation treatments causing physical and mental harm requires remedy by this complaint being heard in the interests of justice

because the defendants et al are violating plaintiffs' U.S. Constitution Amendments rights and several other rights and if not heard it would be a manifest injustice. The aforesaid witness affidavits and other of plaintiffs' evidence correlate specifically to egregious human experimentation and research being carried out upon plaintiffs by defendants' et al sanction, participation and knowing under laws for example but not limited to NY Code – Article 24-A: Protection of Human Subjects, the plaintiffs' evidence must be accepted for the reasons outlined throughout this complaint's pleadings in this case for standing purposes in part because of the fact that the laws cited are plausibly responsible for the plaintiffs' plight such as the N.Y.S. laws which are by the UNITED STATES CONSTITUTION and UNITED STATES SUPREME COURT PROCLAMATIONS unconstitutional and other of N.Y.S. laws unconstitutionally prohibit medical professionals from exposing defendants' utterly secret confidential sanctions of egregious unconstrained diagnoses and treatments upon plaintiffs in their official capacity as medical professionals where plaintiffs paid for their services plaintiffs would be their patients and thereby such paid medical professionals would be subject to keep defendants' utterly secret confidential sanctions a secret from plaintiffs by unconstitutional N.Y.S. laws and other unconstitutional laws. Furthermore due to the covert nature of the defendants' sanction of surgical installation of devices in plaintiffs' bodies, the plaintiffs assert that they cannot state where said devices are specifically located in their bodies or how many devices there are in their bodies from the defendants et al and their associates actions and or sanctions, therefore all and any devices installed into plaintiffs' bodies are actionable for discovery and disclosure to plaintiffs. The aforesaid plaintiffs' affidavits are prima facie evidence that the plaintiffs have been harmed and continue to be harmed by defendants' unconstitutional covert utterly secret ex parte laws (EXHIBIT 3. affidavit of plaintiffs attesting several N.Y.S. laws are unconstitutional) authorizing sanctions of surgery and installation of in vivo devices in plaintiffs' bodies. The plaintiffs' evidence of expert witness sworn affidavits supports plaintiffs' plausible allegations that the defendants by their having exclusive purview under

N.Y.S. laws to carry out what plaintiffs allege defendants are doing to plaintiffs supports other of plaintiffs' allegations of harm that the defendants are enforcing N.Y.S. color of law ex parte utterly secret egregious sanctions of unconstrained diagnoses and treatments upon plaintiffs SEE "Heard v. Cuomo, 139 Misc. 2d 336 - N.Y.: Supreme Court at 338 (1988)" authorizing New Yorkers such as plaintiffs to be covertly involuntarily treated with aversive treatment by surgically installed in vivo devices emitting into plaintiffs' bodies physiological altering levels of electromagnetic and electric energy to inter alia assault and batter the plaintiffs that also induce varying levels of pain. Plaintiffs further claim the devices detected and enumerated upon in this complaint are plausibly not the only devices present in plaintiffs' body authorized by defendants' sanctions, but that plaintiffs rightfully allege there are other devices in their bodies and that those other plausibly existing devices are causing harm as enumerated throughout this complaint. Compounding the hardship of plaintiffs obtaining evidence of the in vivo devices sanctioned by defendants are other further N.Y.S. laws and policy promoting and prohibiting medical professionals not to confirm said devices existence in plaintiffs' body maintaining confidentiality/utter secrecy. Plaintiffs fully expect that there are other in vivo devices in their bodies and demand from defendants full disclosure of all information and knowledge of such devices of passive or active capacity defendants' sanction to be in plaintiffs' bodies.

9. The aforesaid plaintiffs' affidavits are direct evidence that the plaintiffs' allegations throughout this complaint of defendants' secretly sanctioning plaintiffs as described in detail is plausible and thereby actionable to have defendants ordered by the Court to make not only initial disclosure but to disclose all records regarding the issues of this complaint, the plaintiffs' plead hardship that extends to the in vivo devices being difficult to detect in conjunction with N.Y.S. laws prohibiting medical professionals in their professional capacity from aiding plaintiffs finding and or identifying such devices. Plaintiffs issues inter alia of material fact within the scope of their complaint conforms to the requirements for it being heard according to "Conley v. Gibson, 355 U.S. 41 (1957)"; "Bell Atlantic

Corp. v. Twombly, 550 U.S. 544, 575 (2007)" and "Ascroft v. Iqbal, 129 S. Ct. 1937 (2009)".

10. Therefore the plaintiffs' prima facie evidence of sworn affidavits requires defendants to answer whether or not they are responsible or have knowledge of the plaintiffs' allegations which is necessary as a matter of fulfilling plaintiffs' due diligence to bring suit against the potential plausible defendants of Health and Human Services (HHS) and that agency is not possible otherwise to name in this or any other complaint without defendants answering the plaintiffs' allegations herein, for the Court not to order either initial disclosure from defendants or order plaintiffs' duces tecum discovery of plaintiffs' records from defendants including unconstitutionally created medical and psychiatric records in the exclusive possession of defendants the Court will have deprived plaintiffs of their necessary due diligence to discover whether an unconstitutional methodology has been perpetrated upon plaintiffs by unconstitutional documents used to enter the plaintiffs into above minimal risk experimental research or treatment in HHS without the requisite procedure of plaintiffs being sanctioned as incompetent by N.Y.S. authorities being the prerequisite for having them entered into HHS above minimal risk human experimentation.

11. The plaintiffs should not have been encompassed and harmed by the defendants' enforcement of the aforesaid N.Y.S. laws and rules, however in plaintiffs' case they have evidence that they are affected by defendants' sanctions where plaintiffs have their own allegations and expert witness affidavits attesting to harm that fit with it being plausible that defendants are the actors causing those harms because they have exclusive purview to sanction with said laws and authorize utter secrecy; no one would know that they were or were not affected by the N.Y.S. laws and rules enforced by defendants that authorize secret competency hearings and secret subsequent unconstrained diagnoses and covert aversive treatments. Because the defendants have laws and therefore enforce laws that authorize unconstitutional suppression of all knowledge of sanctions upon any New Yorker and that plaintiffs have evidence of being affected by said laws justifies initial disclosure be made by

defendants and the Court order defendants to turn over all records and knowledge regarding plaintiffs. The defendants' reckless enforcement of inter alia the aforesaid unconstitutional N.Y.S. laws for utterly secret deprivations that defendants recklessly interpret to be constitutional could encompass New Yorkers such as plaintiffs for plaintiffs simply exercising their rights for example to self defense, political views and religious views etcetera. Plaintiffs' belief is that defendants sanctioned them for the egregious treatment because (i) defendants need human subjects to test in vivo devices on and (ii) defendants are not disinterested in the obvious aspects of inter alia monetary gain where funds are received, political gain and where jobs are created. The grounds for asking for the N.Y.S. laws and rules to be struck down is for them violating inter alia New Yorkers such as plaintiffs' rights provisions of the FIRST, FIFTH and FOURTEENTH Amendments under the United States Constitution for the utter secrecy of those laws actions concealing from those encompassed any access to petition for a redress of grievances in N.Y.S. courts regarding violations of New Yorkers such as plaintiffs' freedom of religion that we must not be inter alia covertly implanted with in vivo devices because that would be deeply offensive to be subjected to, where said devices have the connotation of the mark of the beast referred to in the King James Bible of Revelations and also said N.Y.S. laws and rules violates New Yorkers such as plaintiffs' inter alia FOURTH, EIGHTH, NINTH and FOURTEENTH AMENDMENTS rights under the UNITED STATES CONSTITUTION for equal protection of the laws and several other rights. Because the N.Y.S. laws of utter secrecy exist no New Yorker can be sure they are not affected by them for reasons of their self defense principles, political views and religious views etcetera does cause the so-called "chilling effects" doctrine to come into play causing New Yorkers such as plaintiffs to restrict their political and religious thoughts in public and restrict expressing their principles in public for fear of coming under the defendants' enforcement of utterly secret sanctions violates inter alia their First Amendment Rights of freedom of speech and religion etcetera, thereby defendants being authorized to enforce said unconstitutional N.Y.S. laws and rules at issue also taints the blood of the encompassed such as plaintiffs by the virtual bill of attainder created by said laws prevents New Yorkers such as plaintiffs from protecting their constitutional rights freely without fear of retaliation by defendants. The defendants' obligation to enforce unconstitutional N.Y.S. ex parte laws authorizing utter secrecy is reckless wanton disregard of New Yorkers' and plaintiffs' civil rights and was foreseeable and reckless and therefore defendants cannot have avoided drawing such inference of harm would be caused to New Yorkers such as plaintiffs on account of the very character of those N.Y.S. ex parte laws deprivations processes, which as knowledge by defendants is their recklessness and conspiracy violating New Yorkers' such as plaintiffs' substantial and procedural civil rights in this case. A further potential instance or reason defendants have entered and or sanctioned plaintiffs into an egregious human experimentation program plausibly could have been just because defendants could do so by violating plaintiffs' substantial and substantive rights by deputizing military assets to carry out research or testing of in vivo devices on plaintiffs just for research or testings sake in defendants' quest for knowledge and without any action from plaintiffs having been a reason for defendants' sanctioning plaintiffs other than the defendants' desire for knowledge and monetary gain for obtaining test subjects to use in experiments where defendants are compensated by money and or indirectly by jobs creation employing defendants and their associates "JOHN DOES", these actions plausibly were enabled by the defendants utilizing the following Department of Defense (DOD) laws not at issue invoked yet in this complaint, however, as an example are also unconstitutional also for the same reasons as the other laws at issue in this complaint being enforced by the defendants, plaintiffs allege that the defendants plausibly have sanctioned them for egregious treatment for the additional purpose that within that process defendants can manufacture false evidence authorized in effect by laws that allow defendants to subsequently have false evidence placed into confidential legal records of defendants regarding such as plaintiffs for use to turn people and future courts against such persons as plaintiffs who bring related cases of being harmed by unconstitutional violations at the hands of State(s) authority defendants to said courts which during judicial review in ex parte said false evidence plausibly causes said courts to have reason from said false evidence against said persons to carry out or justify ex parte utterly secret sanctions upon such as plaintiffs. That the aforesaid plausibly caused said courts to maintain the confidentiality and secrecy of the authorities egregious actions upon such persons as plaintiffs without the record being available to said persons to contest said false evidence against themselves and or said courts in such cases could plausibly reach an opinion sua sponte to dismiss any complaint of such persons so affected. Such laws exist to allow the defendants as New York State authorities to deputize or sanction federal military assets under who can then further destroy the reputation and health of persons such as plaintiffs by manufacturing false damning evidence destroying their reputation of said persons the N.Y.S. authorities nominate for egregious research or testing by coupling of laws, SEE;

a. *"Defense Department Intelligence and Security Doctrine, Instructions 5525.13; Subject: Limitation of Authority to Deputize DoD Uniformed Law Enforcement Personnel by State and Local Governments.",*
b. *"DoD 5240 1-R, C13.2.1. Experimentation in this context means any research or testing activity involving human subjects that may expose such subjects to the possibility of permanent or temporary injury (including physical or psychological damage and damage to the reputation of such persons) beyond the risks of injury to which such subjects are ordinarily exposed in their daily lives."*
c. *"N.Y. CPL. LAW § Section 2.15: Federal law enforcement officers; powers, The following federal law enforcement officers shall have the powers set forth in paragraphs....;*
d. *N.Y. CPL. LAW § Section 2.10: Persons designated as peace officers...."*

12. Defendants' secret sanctions of egregious treatment of encompassed persons such as plaintiffs by "Defense Department Intelligence and Security Doctrine, Instructions 5525.13"; DoD 5240 1-R, C13.2.1." including any other agency or law(s) or acts or rules of federal, military or otherwise is an unconstitutional violation of plaintiffs' substantial and substantive rights provisions inter alia for due process by the Fifth and Fourteenth Amendment under the United States Constitution and other rights as stated throughout this complaint herein and are also a violation of plaintiffs' substantial and substantive rights provisions prohibiting cruel and unusual punishment by the provisions of the Eighth

Amendment and Fourteenth Amendment under the United States Constitution and other rights as stated throughout this complaint herein for defendants knew or should have known as it was foreseeable and reckless by defendants utilizing said Department of Defense (DOD) Doctrines and laws that would result in inter alia violations of plaintiffs' federal civil rights and serious physical and mental harm to plaintiffs, is where defendants cannot have avoided drawing such inference of harm would be caused on account of the very character of said Doctrines and laws utilized by defendants et al. The utter secrecy afforded by defendants' N.Y.S. Code laws for ex parte hearings where an affected person such as plaintiffs has never been allowed to know of the defendants' sanctions of an ex parte proceeding and experimental above minimal risk treatment upon them is unconstitutional without being given inter alia a meaningful opportunity to be heard and defend oneself as demanded by case law to be mandatory is as follows, SEE;

> *"Winters v. Miller, 446 F. 2d 65 - Court of Appeals, 2nd Circuit at 71 (1971) Under our Constitution there is no procedural right more fundamental than the right of the citizen, except in extraordinary circumstances, to tell his side of the story to an impartial tribunal. As Mr. Justice Frankfurter noted in his concurrence in Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 168, 71 S.Ct. 624, 646, 95 L.Ed. 817 (1951):",*

> and,

> *"Brinkerhoff-Faris Trust & Sav. Co. v. Hill, 281 US 673 - Supreme Court at ?? (1930);...Whether acting through its judiciary or through its legislature, a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was, afforded to him some real opportunity to protect it.[9] Compare Postal Telegraph Cable Co. v. Newport, 247 U.S. 464, 475-6",*

> and,

> *"Joint Anti-Fascist Refugee Comm. v. McGrath, 341 US 123 - Supreme Court at168 (1951); This Court is not alone in recognizing that the right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society. Regard for this principle has guided Congress and the Executive. Congress has often entrusted, as it may, protection of interests which it has created to administrative agencies rather than to the courts. But rarely has it authorized such agencies to act without those essential safeguards for fair judgment which in the course of centuries have come to be associated with due process. See Switchmen's Union v. National Mediation Board, 320 U. S. 297; Tutun v. United States, 270 U. S. 568, 576, 577; Pennsylvania R. Co. v. Labor Board, 261 U. S. 72.[15] And when Congress 169*169 has given*

an administrative agency discretion to determine its own procedure, the agency has rarely chosen to dispose of the rights of individuals without a hearing, however informal.[16]

*170*170 The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights.*[17]

*An opportunity to be heard may not seem vital when an issue relates only to technical questions susceptible 171*171 of demonstrable proof on which evidence is not likely to be overlooked and argument on the meaning and worth of conflicting and cloudy data not apt to be helpful. But in other situations an admonition of Mr. Justice Holmes becomes relevant. "One has to remember that when one's interest is keenly excited evidence gathers from all sides around the magnetic point . . . ."[18] It should be particularly heeded at times of agitation and anxiety, when fear and suspicion impregnate the air we breathe. Compare Brown, The French Revolution in English History. "The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome, and the corrupt to play the role of informer undetected and uncorrected." United States ex rel. Knauff v. Shaughnessy, 338 U. S. 537, 551 (dissenting). Appearances in the dark are apt to look different in the light of day.*

*Man being what he is cannot safely be trusted with complete immunity from outward responsibility in depriving others of their rights. At least such is the conviction underlying our Bill of Rights. That a conclusion satisfies one's private conscience does not attest its reliability. The validity and moral authority of a conclusion largely depend on the mode by which it was reached. Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss 172*172 notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done.[19]".*

13. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

III. PLAINTIFFS' JUSTIFICATION OF THE COMPLAINTS LENGTH

14. Plaintiffs' complaint length is where necessity and thoroughness is judicially supported as being substantial but essential and permissible, the plaintiffs' reasons for the length is that the N.Y.S. laws and rules plaintiffs assert are unconstitutional and that they have plausibly been affected by are substantial in number of those N.Y.S. laws and rules that work together and required plaintiffs' thorough analysis as to the as applied and facial meaning to demonstrate to this Court those laws are unconstitutional which required thorough coverage and further reasons are that the circumstances of

secret ex parte competency adjudications caused it to be necessary to invoke the Federal Rules Enabling Act several times and other support factors which required additional pages is supported by the following citations, SEE;

> *"Dismissal was overturned in spite of the fact that complaint by pro se was 150 pages long, and described as, inept. Picking at 240. ", See also, "In fact, Plaintiffs can be penalized by Court for failure to include facts in his complaint against officials that he knew or should have known existed. Trotter v. The Regents of the University of New Mexico, 219 F.3d 1179 (10th Cir. NM, 2000)" See also See, "Pallito v.City of Rio Rancho, 31 F.3d 1023, 1027 (10th Cir. NM, 1994). ", See also, In "state and federal court forms", Pro se litigants are asked to be thorough. and "Ruhlmann v. Ulster County Dept. of Social Services, 234 F. Supp. 2d 140 - Dist. Court, ND New York at 185 (2002), To be sure, the parties' memoranda of law alone comprise approximately 283 pages,... ".*

15. Furthermore, the defendants have as evidenced by their laws a brazen disregard of the United States Bill of Rights by crafting and maintaining in the N.Y.S. Code a scheme of laws at issue in this complaint that shocks the conscience and violates specifically the plaintiffs' substantial and or procedural due process provisions inter alia of the Fifth and Fourteenth Amendments under the United States Constitution for equal protection of the laws, those laws were crafted in such a way that they interact subsequently or simultaneously allowing defendants to use those laws to violate plaintiffs' rights necessitating plaintiffs to invoke the "Rules Enabling Act" to expose those laws for their unconstitutionality where the Federal Rules of Civil Procedure prevent exposing them, for example the plaintiffs state at the beginning of their complaint they are each others next friend "plaintiffs Deborah Lamb, sui juris and John Mecca, sui juris, are here as each others "next friend" collaboratively representing their cause as needed is invoked as an issue because of the following rule SEE "Federal Rules of Civil Procedure Rule 17. Plaintiff and Defendant; Capacity; Public Officers (c),(2) Without a Representative. A minor or an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem." plaintiffs upon fact and belief point out that defendants have altered their legal status albeit unlawfully and unconstitutionally and thereby the plaintiffs' statement is conditional that they are representing themselves yet need not by their invoking

the "Rules Enabling Act" whereby their substantial rights having been sanctioned as altered to the status of interalia incompetent, the plaintiffs point out to the Court they are unlawfully labeled and that reduces their substantial rights and substantive federal civil rights while increasing the rights of the defendants, which by plaintiffs invoking the "Rules Enabling Act" said requirement of plaintiffs having to be represented by a next friend under "FRCP Rule 17." is of no further force or affect upon plaintiffs from said "Rule 17." requiring plaintiffs to act as "next friend" to each other.

16. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

IV. JURISDICTION, VENUE AND INTER ALIA PURPOSES

17. Where the Court might discern that plaintiffs demand for compensatory and punitive damages from defendants has no immediate relevance to this complaint by not yet having attained ripeness as an issue of merit for adjudication as to plaintiffs' allegations not yet being proven, the plaintiffs point out that the matter in controversy before this Court is in excess of $300,000. dollars for each of plaintiffs in the initial phase prior to initial disclosure by defendants and subpoena duces tecum demand for documents and depositions from defendants, therefore it is a dollar value well in excess of the minimum amount required for a federal controversy case. The value attached to plaintiffs' records and depositions demanded from defendants is based upon inter alia (i) said records being received by plaintiffs will plausibly validate plaintiffs' inter alia allegations of egregious right violations, violations of plaintiffs' bodies and thereby claims for compensatory and punitive damages and (ii) the value of the records and depositions themselves represent defendants' deprivations violating plaintiffs and that dollar value is based upon inter alia plaintiffs' past, present and future lost wages, lost career opportunity, lost job benefits, lost job related medical insurance, costs of unknown physical and mental debilities from defendants' sanction of in vivo devices battering of their physiology, lost time of working where plaintiffs were unable to work from the defendants' extreme battering of them and also

lost time working by plaintiff of having to carry out research and experiments to detect the effects of defendants' egregious experimental treatments physical effects upon plaintiffs sanctioned by defendants' unlawful remote control in vivo experiments, time lost attempting to gather evidence and lost time of working by plaintiff having to carrying out activism as a civic duty regarding stopping human experimentation as an issue of defendants' violating plaintiffs' substantial and substantive civil rights by unconstitutional utter secrecy of the defendants' deprivations.

18. Jurisdiction is based upon a question or controversy arising under the Constitution of the United States regarding the plaintiffs' claims of unconstitutionality of New York State laws and defendants' enforcement of them and this Court has jurisdiction over the parties for personal jurisdiction and official office jurisdiction and venue is proper for review within the Eastern District of New York in that the defendants reside or have their offices in New York State, this Court thereby has jurisdiction to hear this complaint.

19. This Court has jurisdiction over both the defendants and plaintiffs parties regarding personal jurisdiction and defendants' official office capacity, jurisdiction and venue is proper for review where the following laws are invoked regarding defendants' violations according to the Courts criteria of coverage and application regarding plaintiffs' pleading.

20. The plaintiffs by this complaint demonstrate that the defendants have inter alia violated numerous declaratory decrees including SEE "Zinermon v. Burch, 494 US 113 - Supreme Court at 126 (1990)" by unconstitutional extensions and constructions in the form of N.Y.S. laws and defendants' enforcement of them that cause competency deprivations to be utterly secret from plaintiffs by concealment of access to a tort to discover whether defendants' processes were constitutional, SEE;

> *"42 U.S. Code § 1983 - Civil action for deprivation of rights -*
> *Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except*

that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.".

21. The defendants' enforcement upon plaintiffs of the New York State laws, rules and customs alleged in this complaint violates plaintiffs' substantial and substantive due process rights provisions of the Fifth Amendment under the United States Constitution by said N.Y.S. laws, rules and customs at issue herein enforced by defendants by causing utter secrecy that defeats and violates entirely the purpose of the declaratory relief mandated by SEE "Zinermon v. Burch, 494 US 113 - Supreme Court at 126 (1990)" that relief be available to seek by the aggrieved party in the form of a tort to discover whether the defendants' processes upon the aggrieved party were constitutional, which as defendants' N.Y.S. laws, rules and customs of utter secrecy in ex parte processes violates the aforesaid declaratory relief mandated by SEE "Zinermon v. Burch at 126 (1990)", thereby the liability of defendants exists by their violating the said declaratory decree by making its remedy as relief unavailable by defendants' utterly secret ex parte N.Y.S. processes alleged by plaintiffs, by inter alia in "42 U.S. Code § 1983 - Civil action for deprivation of rights - ... injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.", thereby all of the defendants et al including N.Y.S. executives and judiciary are liable and are subject to the "stripping doctrine", stripped of their position's of power and eligible to be sued as individuals for violating clearly established law that they as reasonable persons in defendants' position would have known or should have known by their actions violated those clearly established laws, by the aforesaid the defendants acted and are acting unconstitutionally and thereby have no immunity from this suit. The plaintiffs and defendants in this action are to plaintiffs' knowledge all domiciled in New York State, SEE;

"28 U.S. Code § 1391 - Venue generally -
(b) Venue in General.— A civil action may be brought in—
(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated;
(c) Residency.— For all venue purposes—
(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;".

22. Plaintiffs invoke the following for its relevance to the defendants inter alia use of unconstitutional N.Y.S. laws upon plaintiffs where said laws and defendants' sanctions upon New Yorkers such as plaintiffs violated their substantial and procedural rights, defendants did therefore by initiating and creating unlawful unconstitutional laws and subsequently following said unconstitutional laws committed a conspiracy that caused harm to plaintiffs and the requisite need thereby for inter alia remedy and to recover damages, SEE;

"28 U.S. Code § 1343 - Civil rights and elective franchise -
(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;
(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;
(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;
(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.".

23. Plaintiffs invoke the following for its relevance to the defendants inter alia use of N.Y.S. laws to unconstitutionally deprive New Yorkers such as plaintiffs' of their substantial and substantive rights, being egregiously harmed by defendants and the need for relief from oppression and cruel and unusual punishment, SEE;

"28 U.S. Code § 2403 - Intervention by United States or a State; constitutional question -
(b) In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of

evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.".

24. Plaintiffs invoke the following for its relevance to the defendants inter alia use of N.Y.S. laws to unconstitutionally deprive New Yorkers such as plaintiffs' of their substantial and procedural rights, being harmed by defendants and the need for relief from oppression and cruel and unusual punishment where the defendants' sanctioned the use of dangerous pain inducing devices equitable to weapons upon plaintiffs causing injury to them by defendants reckless erroneous inclusion of plaintiffs in the class of N.Y.S. sanctioned incompetents and incapacitated or other such status, SEE;

*"18 U.S. Code § 242 - Deprivation of rights under color of law -
Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.".*

25. Plaintiffs invoke the following for its relevance to the defendants' reckless color of law enforcement policy using unconstitutional N.Y.S. laws to deprive New Yorkers such as plaintiffs' of their substantial and substantive rights and the defendants' violating their oaths of office by not supporting the United States Constitution, in this case defendants' obligation to protect plaintiffs' rights, defendants knew or should have known not to carry out unconstitutional N.Y.S. law sanctions upon plaintiffs resulting in continual loss of their substantial and substantive rights, pain, suffering and interference with plaintiffs as witnesses in court and interference with other witnesses and the defendants' reckless wanton disregard of plaintiffs' civil rights was foreseeable and reckless and

therefore defendants cannot have avoided drawing such inference of harm would be caused to plaintiffs on account of the very character of those N.Y.S. ex parte laws deprivations processes upon plaintiffs, which as knowledge by defendants is their recklessness and conspiracy that violates plaintiffs' substantial and substantive civil rights, SEE;

> *"42 U.S. Code § 1985 - Conspiracy to interfere with civil rights -*
> *(1) Preventing officer from performing duties*
> *If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;*
> *(2) Obstructing justice; intimidating party, witness, or juror*
> *If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;*
> *(3) Depriving persons of rights or privileges*
> *If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.".*

26. Plaintiffs invoke the following for its relevance to the defendants inter alia use of unconstitutional N.Y.S. laws upon plaintiffs where said laws and defendants' sanctions upon New Yorkers such as plaintiffs is a violation of the United States Constitution's Amendments as cited throughout this complaint, several federal laws and FRCP Rules fairness instances and the Nuremberg Code as regards the laws of the United States, SEE;

> *"Abdullahi v. Pfizer, Inc., 562 F. 3d 163 - Court of Appeals, 2nd Circuit At page 184 (2009)"*
> and,
> *"28 U.S. Code § 1331 - Federal question -*
> *The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.".*

27. Plaintiffs invoke the following for its relevance to the potential need to invoke it as regards issues within this complaint that may require an amended complaint, SEE;

> *"28 U.S. Code § 1367 - Supplemental jurisdiction -*
> *(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.*
> *(b) In any civil action of which the district courts have original jurisdiction founded solely on section 1332 of this title, the district courts shall not have supplemental jurisdiction under subsection (a) over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 of the Federal Rules of Civil Procedure, or over claims by persons proposed to be joined as plaintiffs under Rule 19 of such rules, or seeking to intervene as plaintiffs under Rule 24 of such rules, when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of section 1332.".*

28. The defendants' actions using their laws for utter secrecy and enforcement of those laws as sanctions upon plaintiffs' causes by the said utter secrecy for there to be no N.Y.S. remedy as a corrective procedure possible for plaintiffs other than this complaint,

> *"28 USC § 2254 - State custody; remedies in Federal courts (b,B,i) there is an absence of available State corrective process;".*

29. This Court has jurisdiction for this case to be heard by a jury under the Federal Rules of Civil Procedure "Rule 38. Right to a Jury Trial Demand".

30. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

V. FEDERAL CONSTITUTION IS CONTROLLING

31. The N.Y.S. laws at issue causing utterly secret deprivations in and of themselves cause federal court jurisdiction to be controlling due to said laws wholly opposing so much and the United States historical precedents that secrecy is the onerous enemy of the intention of its peoples. A State that does not confer procedural protections of a covered persons liberty interests such as by the covert actions of laws inter alia as "N.Y. MHY Article 33.13", "N.Y. MHY Article 33.16 (a)1." and "N.Y. CVP. LAW Article 3 Section 309.(b,c)" in that they violate, SEE;

> *"Zinermon v. Burch, 494 US 113 - Supreme Court at 126 (1990); The Due Process Clause also encompasses a third type of protection, a guarantee of fair procedure. A § 1983 action may be brought for a violation of procedural due process, but here the existence of state remedies is relevant in a special sense. In procedural due process claims, the deprivation by state action of a constitutionally protected interest in "life, liberty, or property" is not in itself unconstitutional; what is unconstitutional is the deprivation of such an interest without due process of law. Parratt, 451 U. S., at 537; Carey v. Piphus, 435 U. S. 247, 259 (1978) ("Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, 126*126 or property").[11] The constitutional violation actionable under § 1983 is not complete when the deprivation occurs; it is not complete unless and until the State fails to provide due process. Therefore, to determine whether a constitutional violation has occurred, it is necessary to ask what process the State provided, and whether it was constitutionally adequate. This inquiry would examine the procedural safeguards built into the statutory or administrative procedure of effecting the deprivation, and any remedies for erroneous deprivations provided by statute or tort law.".*

32. Wherefore, in "Zinermon v Burch" which is for mandating that a person has a right to discover whether the State(s) competency procedures were constitutional by initiating a tort for that purpose, which is justified in plaintiffs' circumstance where the N.Y.S. laws for secret ex parte competency hearings is factually that those N.Y.S. laws lack procedural protections and do not contain the minimal requirements of the plaintiffs' rights under the United States Constitutions Amendments expressed in SEE "Zinermon v. Burch, 494 US 113 - Supreme Court at 126 (1990)" which mandates that a tort be allowed to discover whether the defendants' sanctions were constitutional. Such a tort cannot be

initiated where the defendants' sanctions are all kept utterly secret from the encompassed persons of such as plaintiffs, if a State has such laws as N.Y.S. does, the minimal requirements of the Federal Constitution are controlling, and the States procedures that do not come up to the minimal requirements of the Constitution of the United States would need to be identified as they are by plaintiffs in this complaint in order to determine the legal rights and duties of persons within that State that are being violated by the aforesaid laws that do not meet the Constitution of the United States minimal criteria for constitutionality.

33. The defendants with the aforesaid competency and treatment laws authorizing secret sanctions designating plaintiffs with the status of an incompetent and secretly treating them has the effect of protecting defendants through those processes being utterly secret protects defendants from being held accountable for their unconstitutionally violating plaintiffs' civil rights, judicial and or quasi-judicial misconduct, guardian misconduct, medical deliberate indifference and punishment without due process; therefore the Federal Constitution is controlling and not N.Y.S. law nor the N.Y.S. constitution, SEE;

> *"Mills v. Rogers, 457 US 291 - Supreme Court at 300 (1982);...a State may confer procedural protections of liberty interests that extend beyond those minimally required by the Constitution of the United States. If a State does so, the minimal requirements of the Federal Constitution would not be controlling, and would not need to be identified in order to determine the legal rights and duties of persons within that State.".*

34. Furthermore, the Federal Constitution is demonstrated to be controlling in this case, where the aforesaid N.Y.S. laws prevent plaintiffs from obtaining knowledge of the unconstitutional actions of defendants' secret competency sanctions upon them including but not limited to "N.Y. CVP. LAW Article 3 Section 309.(b,c)" which during pre-deprivation and or post-deprivation processes authorizes that an encompassed person such as plaintiffs can have service to them dispensed with which eliminates any and all participation and knowledge by plaintiffs because of defendants' utter secrecy. Those laws thereby of "N.Y. MHY Article 33.13" and "N.Y. MHY Article 33.16 (a)1." authorize secret

treatment upon plaintiffs that is never to be divulged to an encompassed person such as plaintiffs. The defendants' scheme of laws as joined processes has no safeguards due to the extreme secrecy and therefore permits no remedy and as a scheme is facially and as applied unconstitutional as regards the minimal requirements for the federal Constitutions due process guarantees not being fulfilled, which is exemplified throughout this complaint by numerous case law citations.

35. The Supreme Court has made it clear that a defendant's conduct satisfying the "state action" requirement of a Fourteenth Amendment claim will also satisfy the "under color of state law" requirement of a 42 U. S. C. § 1983 claim. SEE, "e.g., Brentwood Academy v. Tennessee Secondary School Athletic Assn., 531 U.S. 288, 295 n. 2, 121 S.Ct. 924, 148 L.Ed.2d 807 (2001)" and as an issue by plaintiffs satisfies the requirement that plaintiffs' case claims conforms to criteria for 42 U. S. C. § 1983 claims.

36. The plaintiffs' point out to this Court 42 U. S. C. § 1983 or § 1985(3) cannot be immunized by state law, defendants therefore and their agencies are not immune from suit and there is no requirement for notice-of-claim to them nor to N.Y.S. SEE "Howlett v. Rose, 496 US 356 - Supreme Court at 375-378 (1990)".

37. By the aforesaid of this subsection this Court need note plaintiffs invoke the following as regards laws at issue in this complaint, that they claim by affidavit are unconstitutional SEE (EXHIBIT 3. affidavit of plaintiffs attesting several N.Y.S. laws are unconstitutional) and those N.Y.S. laws are therefore evidence that defendants have plausibly been the actors regarding the plaintiffs' claims of harm; said N.Y.S. laws being unconstitutional are not laws at all and are direct harm to plaintiffs by the defendants using them to affect plaintiffs, which is against the case law as follows and must be addressed by this Court, SEE;

> *"Marbury v. Madison, 5 US 137 - Supreme Court page 179 (1803); Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void; and that courts, as well as other departments, are bound by that instrument.",*

and,

"Committee on Legal Ethics v. Triplett, 378 SE 2d 82 - W Va: Supreme Court of Appeals Page 99 (1988);...[34] ...16 Am.Jur.2d § 256, in relevant part, reads:
The general rule is that an unconstitutional statute, whether federal or state, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it, an unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. No repeal of such an enactment is necessary.

Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A contract which rests on an unconstitutional statute creates no obligation to be impaired by subsequent legislation.",

and,

"Committee on Legal Ethics v. Triplett, 378 SE 2d 82 - W Va: Supreme Court of Appeals Page 99 (1988);...[34] ...16 Am.Jur.2d § 256, in relevant part, reads:
The general rule is that an unconstitutional statute, whether federal or state, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it, an unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. No repeal of such an enactment is necessary.

Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A contract which rests on an unconstitutional statute creates no obligation to be impaired by subsequent legislation.".

38. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

VI. PERSONAL JURISDICTION OF THE COURT OVER PLAINTIFFS

39. The plaintiffs allege that defendants have used unconstitutional and vague N.Y.S. laws that authorize defendants to encompass any New Yorker such as plaintiffs to subsequently carry out utterly secret ex parte pre-deprivations and post-deprivations giving them a status of incompetency without being given inter alia service as notice of hearing leaving an encompassed person such as plaintiffs without meaningful opportunity to be heard at a meaningful time and subsequently and covertly

involuntarily had a guardian appointed and covertly involuntarily carry out examinations and aversive treatments in defendants' covert secret commitment and outpatient treatment program and plaintiffs have never been noticed of their legal status as to those deprivations, causing the plaintiffs to be deprived of liberty without due process, the plaintiffs were given said deprivations by defendants without plaintiffs' knowledge or consent and plaintiffs do not give their consent. In this action, plaintiffs have the status of Sovereigns SEE "Wilson v. Omaha Tribe, 442 U. S. 653, 667 (1979) (quoting United States v. Cooper Corp., 312 U. S. 600, 604 (1941))"; SEE also "United States v. Mine Workers, 330 U. S. 258, 275 (1947)" Plaintiffs' have sovereign status in New York's jurisdiction and not of reduced status as to civil and other rights under the N.Y.S. Constitution, supported by, SEE;

> *"(N.Y.S.) CVR - Civil Rights - Article 2 - Bill of Rights 2 - Supreme sovereignty in the people. § 2. Supreme sovereignty in the people. No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people...".*

40. The plaintiffs should never have been subjected to the defendants' ex parte processes because they have always been competent and (i) have always been able to understand any charge brought against them (ii) have always been competent to understand any charges ramifications and (iii) have always been competent to understand and able to act in support of their own defense; therefore defendants' N.Y.S. laws, rules, policies and customs of ex parte utterly secret no notice competency adjudications and or deprivation orders upon plaintiffs are irrational, a nullity and moot to have been used upon plaintiffs for their having always been competent as aforesaid, the defendants' unconstitutional conduct using unconstitutional N.Y.S. laws as their own policy to sanction plaintiffs in utter secrecy for some form of incompetency, caused, defendants said inter alia adjudications, sanctions and hearings to have no jurisdiction over the causes the defendants charged plaintiffs with SEE;

> *"Montgomery v. Louisiana, Supreme Court (2016), I. Jurisdiction, B..."[I]f the laws are unconstitutional and void, the Circuit Court acquired no jurisdiction of the causes.",*

defendants, owed plaintiffs a full adversarial hearing in the form of the natural person and knew or should have known they were obligated to carry out such a hearing SEE;

> *"Parham v. JR, 442 US 584 - Supreme Court at 627 (1979); In the absence of a voluntary, knowing, and intelligent waiver, adults facing commitment to mental institutions are entitled to full and fair adversary hearings in which the necessity for their commitment is established to the satisfaction of a neutral tribunal. At such hearings they must be accorded the right to "be present with counsel, have an opportunity to be heard, be confronted with witnesses against [them], have the right to cross-examine, and to offer evidence of [their] own." Specht v. Patterson, supra, at 610.".,*

41. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

VII. HISTORY OF PREVIOUS RELATED CASES

42. Unconstitutional N.Y.S. laws combined to obstruct the hearing of the plaintiffs' previous complaints in the federal jurisdiction courts by the federal court being bound to respect State laws by their obligation under the United States Constitution's Tenth Amendment, said federal courts obligation is to respect State laws despite the N.Y.S. laws being unconstitutional, said N.Y.S. laws can only be made a nullity by proper pleading with specificity as to the exact N.Y.S. laws being unconstitutional. Those previous complaints were prevented from being heard by said N.Y.S. laws and that those laws are unfair and unconstitutional justifies that none of plaintiffs' previous complaints can be construed to be in any way collateral estoppel or res judicata on the basis that unfairness to maintain secrecy of egregious deprivations has wholly been discredited as a legal process by case law shown to be true in the pleading of this complaint; plaintiff's' pleading here is that their previous complaints being dismissed was due to the unconstitutionality of N.Y.S. laws preventing the plaintiffs' case being heard, to the effect the N.Y.S. Laws were unconstitutional and designed to prevent those same laws from being exposed as to their unconstitutional substantial and procedural rights deprivations upon such as plaintiffs, embodying that among other of this cases relevant citations are, SEE:

> "All laws which are repugnant to the Constitution, are null and void from inception." – Chief Justice John Marshall, Marbury v. Madison", and "(1803) 16 Am Jur 2d, Sec 177, late 2d, Sec 256 – No one is bound to obey an unconstitutional law, and no courts are bound to enforce it."

43. The plaintiffs show below their case history in the Federal and New York Courts;

a. plaintiffs' case history in the UNITED STATES DISTRICT COURT Eastern District of New York,

(i) 2:01-cv-04506-JS; Mecca v. Suffolk County Police, filed 07/06/2001, terminated: 09/11/2001.

(ii) 2:04-cv-04964-JS; Lamb v. United States of America et al, filed 11/16/04, closed: 02/08/05.

(iii) 2:06-cv-03492-JS; Mecca et al v. United States of America, filed 07/17/06, closed: 10/04/06.

(iv) 2:07-cv-03704-JS; Lamb v. United States of America filed: 09/04/2007 terminated: 12/26/2007.

(v) 2:07-cv-03705-JS; Mecca v. United States of America filed: 09/04/2007 terminated: 12/18/2007.

(vi) 2:09-cv-01389-JS; Lamb et al v. Office of the Governor for New York et al, filed 04/03/09, closed: 05/22/09.

b. plaintiffs' case history in the New York State Supreme Court of Suffolk County New York,

(i) Index Number: 014683/2010, Justice Name: MELVYN TANENBAUM, LAMB, DEBORAH RAE vs. NEW YORK STATE, GOVERNOR, filed 05/25/2010, Disposition Date: 10/07/2010 dismissed on the basis that the aforesaid federal case "2:09-cv-01389-JS" precluded hearing in the N.Y.S. Supreme Court and the N.Y.S. dismissal date is maintained also by the N.Y.S. Appeals Court sua sponte dismissal in "Deborah Rae Lamb v. Governor for N.Y.S. 02/21/2012.and the dismissal was upheld where reconsideration motion was brought 06/05/2012.

44. Reason for dismissal of the N.Y.S. case Index Number: 014683/2010, Justice Name: MELVYN TANENBAUM in "Lamb v. Governor for New York State Index No. 14683-2010" was that the federal case "2:09-cv-01389-JS; Lamb et al v. Office of the Governor for New York et al, filed 04/03/09, closed: 05/22/09 was cited by the N.Y.S. Judge MELVYN TANENBAUM as reason to preclude the

plaintiffs' New York State case from being heard.

45. The aforesaid cases are a nullity and moot for any issues of res judicata and collateral estoppel here in this case on the basis that plaintiffs' previous cases were not fully litigated, factually the N.Y.S. laws unconstitutionally prevented the previous cases from being litigated by the N.Y.S. laws actions of enforcing secrecy of those defendants' sanctions upon plaintiffs and those laws as new merit are now at issue here in this instant complaint.

46. Therefore that the N.Y.S. laws that authorize secrecy of defendants' sanctions upon plaintiffs must be followed by jurists of federal and state courts, the conclusions of all of the previous cases of plaintiffs is that the Court was not allowed to hear the cases by the N.Y.S. laws demanding confidentiality by the N.Y.S. laws and defendants' enforcement of those laws for confidentiality upon plaintiffs being secretly in their custody and secretly treated and or experimented upon; unless those laws and rules are as they are unconstitutional and that all rules that increase the defendants' rights while diminishing plaintiffs' substantial and substantive rights are of no further force and effect which plaintiffs assert are of no further force or effect by invoking the Rules Enabling Act.

47. The plaintiffs' point out to this Court that res judicata nor collateral estoppel can not be applied to prevent plaintiffs' case here now where as it is that plaintiffs' substantial and substantive procedural Federal Constitutions' civil rights have been violated by the N.Y.S. laws at issue and defendants' enforcing them resulting in encompassing plaintiffs in the egregious effects of those laws.

48. Res judicata cannot apply because final judgment on the merits of the case cannot have been entered by a court having jurisdiction over the matter because such a court was obligated to follow the N.Y.S. laws demanding maintenance of confidentiality unless those laws were plead to be unconstitutional and since the entire N.Y.S. process had been kept secret from plaintiffs they were unfairly placed in a position of ignorance that such laws had been in effect to deprive them of pleading properly. This means that a final decision in the previous lawsuits of plaintiffs based on the factual and

legal disputes between the parties was impossible to reach due to the utter secrecy of defendants' processes being an unconstitutional scheme; therefore the previous lawsuits could never be conclusive as to the matters of factual and legal disputes and the previous cases cannot have been conclusive as to the merits in this instant case. In this new case plaintiffs' pleading as to the specificity of N.Y.S. laws being unconstitutional constitutes the entering of new evidence along with expert witness testimony affidavits amounting to new issues of merit unaddressed previously.

49. Furthermore collateral estoppel cannot apply because the previous cases of plaintiffs could not be conclusive as to the issues of merit or controverted points and issues or findings of fact between the parties because defendants are authorized by the N.Y.S. laws demanding confidentiality/utter secrecy in other words defendants purposefully lied using unconstitutional N.Y.S. laws and thereby the previous cases are a nullity and moot.

50. Furthermore any issues of res judicata and collateral estoppel arising in this Court are a nullity and moot by the issues of the N.Y.S. laws authorizing utter secrecy deprives entirely plaintiffs of their substantial and or, in the alternative substantive procedural rights of due process while increasing the rights of defendants does thereby justify the plaintiffs' invocation of the "Rules Enabling Act" such that said N.Y.S. laws have not further force or effect, SEE;

> *"RULES ENABLING ACT, 28 U.S.C. 2072 (b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.".*

51. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

VIII. LIABILITY OF NEW YORK STATE OFFICIALS AS DEFENDANTS, SUFFOLK COUNTY DEFENDANTS AND ITS OFFICIALS AS DEFENDANTS.

52. The New York State defendants and Suffolk County municipality and its officials adopted the unconstitutional N.Y.S. laws at issue herein as their custom, practice and policy as an issue of their acquiescence to those laws rather than readily available alternatives that would not have violated the

sovereign peoples' rights such as plaintiffs of their respective jurisdictions, defendants of N.Y.S. and Suffolk County municipality knew or should have known their carrying out utterly secret ex parte procedures that subsequently were used to carry out unconstrained diagnoses and treatments is by its very existence as an action of sanctions upon plaintiffs not only a violation of plaintiffs' federal civil rights but is as well a bill of attainder tainting the blood of those whom become encompassed by such egregious sanctions, Suffolk County and its officials demonstrated they were not a reasonably prudent governing body by choosing as they did to adopt as final policy makers the unconstitutional N.Y.S. laws at issue for enforcing utterly secret tribunals and enforcing egregious competency sanctions upon such as plaintiffs, instead of an existing alternative course of action being that they should have refused to adopt, copy and emulate the unconstitutional inter alia competency deprivation law procedures of N.Y.S. that take the form of no notice utterly secret ex parte pre and post deprivations competency sanctions.

53. The Suffolk County municipality could and did fail to train its employees to avoid violating federal constitutional rights in circumstances where clearly constitutional duties implicated in recurrent situations that employees are certain to face was a fact, being in this case the leanings of Suffolk County's policy shown by ARTICLE IX(A9-2,§ A9-3) which seeks to enforce emulation of the N.Y.S. public and mental health laws as their policy that contributed to violations of plaintiffs' federal civil rights and other rights.

54. The Suffolk County municipality's laws of "Article IX: Department of Health Services § A9-2" and "§ A9-3 Community Mental Health" define Suffolk County municipalities, its officials and subordinates policy, custom and practice which according to Suffolk County Article IX § A9-2 and §A-3 as stated is to consider N.Y.S. laws as advisory material, by the requirement that in order to be the Suffolk County Mental Hygiene Director they shall meet such minimum qualifications of education and experience and other standards set by the New York State Commissioner of Health,

conditional upon the Suffolk County executive and his commissioners' approval, which has the direct implication that the other standards of the New York State Commissioner of Health is interpretable as that laws directive to follow all laws of N.Y.S. Public and or Mental health, which is an open ended authorization to follow all laws under said N.Y.S. Commissioners being the N.Y.S. Public and Mental Health laws.

55. The Suffolk County municipality has official policy that violates the federal civil rights of sovereign persons such as plaintiffs who live in Suffolk County in the form of legislative enactments defendants follow as their policy; (2) the Suffolk County officials with final decision making authority ratified federally unconstitutional official actions by enforcement of Suffolk County official policy; (3) Suffolk County has a policy not only of inadequate training and supervision but a policy of purposeful violating of the federal rights of peoples including the rights of plaintiffs amounting to (4) Suffolk County and its officials, their subordinates and associates having a directed and encouraged custom, policy and practice or tolerance or acquiescence of federal rights violations of Suffolk County peoples including plaintiffs' rights which have been egregiously violated. Suffolk County inflicted federal CONSTITUTION rights deprivations upon plaintiffs by having adopted an unconstitutional policy that was in some way authorized or mandated by state law as is demonstrated by Suffolk County "Article IX: Department of Health Services § A9-2" and "§ A9-3 Community Mental Health".

56. Suffolk County municipality ex parte laws authorized utterly secret pre and post deprivations sanctions upon plaintiffs whom have suffered defendants' reckless wanton disregard of their federal civil rights and was foreseeable and reckless and defendants cannot have avoided drawing such inference of harm would be caused to New Yorkers such as plaintiffs on account of the very character of the Suffolk County policy of ex parte secret deprivations processes, which as knowledge by defendants is their recklessness and conspiracy violating Suffolk County people such as plaintiffs' substantial and substantive Fifth and Fourteenth Amendments of the United States Constitution and

several other rights in this case, the defendants' action to cause said violations and their inaction to stop said violations is indicative of a deliberate reckless and callous indifference to the federal CONSTITUTION'S protected rights of Suffolk County people and plaintiffs by Suffolk County and its officials violating Suffolk County sovereign peoples such as plaintiffs' federal CONSTITUTION rights and other rights. The defendants had actual notice and knowledge and were aware or should have been aware their scheme of utterly secret ex parte pre and post deprivation competency sanctions practices violated the Suffolk County peoples and plaintiffs' federal civil rights, which, is obvious by case law decisions cited in New York State courts from the United States Supreme Court such as "Zinermon v. Burch, 494 US 113 – Supreme Court at 126 (1990)" and other Supreme Court and federal court cases too numerous to mention here of case law of United States Supreme Court and federal court decisions shown in detail in this complaints sections XXIV-XXVII.

57. The Suffolk County municipal ARTICLE IX illustrates that the criteria for being an official of public and or mental health has direct correlation to Suffolk County defendants' adopting New York State laws as their policy, firstly, ARTICLE IX is Suffolk County's municipality law originating from the Suffolk County legislature being the governing body and "Article IX: Department of Health Services § A9-2" and "§ A9-3 Community Mental Health" defines Suffolk County's choice of policy, custom and practice for its officials and subordinates to deliberately enforce unconstitutional N.Y.S. laws despite directly contributing to violations of federal civil rights of Suffolk County peoples as well as plaintiffs and according to Suffolk County Article IX § A9-2 and §A-3 which states that within Suffolk County ARTICLE IX(A9-2,§ A9-3) it shows that N.Y.S. laws are to be used as advisory material, by, stating that Public and Mental Health are to be taken for Suffolk County usage being, the standards set by the New York State Commissioner of Health conditionally utilized upon the Suffolk County executive and his commissioners approval, also ARTICLE IX § A9-2 has as a perquisite requirement that a person chosen for official positions to head public health as director must be a

physician licensed in N.Y.S. with the attendant contrived perception of legal obligation by his being licensed by N.Y.S. to follow New York State laws pertinent to mental and public health or otherwise cause potential liability for not following N.Y.S. laws as their policy, or, the laws states the person appointed must have a doctorate in public health, that is to say Suffolk County requires as a prerequisite they have to be a Doctor of Public Health, which, is a direct implication that Article § A9-2 purposefully requires the "physician" type mentality because they would have a predisposition of believing they have a responsibility to follow the laws of N.Y.S. as their policy by their educational training browbeating them from endless textbooks and tests in their schooling for their doctorate even though they knew or should have known better utterly secret deprivations are federally unconstitutional and those N.Y.S. laws are thereby perceived to be adequate policy by them as a person with a "doctorate of public health", because their doctorate degree learning specifies that the N.Y.S. laws are preeminent and have to be followed so as not to be in contradiction and violation of said N.Y.S. laws; both a physician and doctor in the position of a Suffolk County Director of Public and Mental Health knew or should have known the N.Y.S. laws as policy used at issue in this complaint cause unconstitutional violations of federal rights upon people of New York and Suffolk County such as plaintiffs by enforcing N.Y.S. utterly secret competency sanctions, nevertheless said Suffolk County directors have enforced the said N.Y.S. laws as their policy authorizing federally unconstitutional utterly secret competency sanctions and sought no alternative to those laws. The implications are that the drafting of the wording of the aforesaid Articles was done in an attempt to obscure Suffolk County liability under 1983 by the Suffolk County Legislature, the ultimate analysis of the Suffolk County Articles is that Suffolk County is liable under "Civil Rights Act of 1871, 42 USC § 1983" for the aforesaid and following reasons on account of the Suffolk County Articles portraying the incitement of adoption of N.Y.S. laws as officials' policy is basically guaranteed by hiring physicians and doctors whom have a perceived responsibility to follow the N.Y.S. laws as their policy albeit with the authorization of the Suffolk County executive. Thereby through the aforesaid criteria of the applicants to become Directors of mental health and public health positions in Suffolk County that they must be either a physician, doctor (doctorate) or have a physician among them is, the, Suffolk County Legislature in effect enforcing acquiescence of N.Y.S. laws as the prime policy upon Suffolk County for its officials to adopt the unconstitutional N.Y.S. laws at issue herein, albeit the officials themselves decided to enforce the unconstitutional N.Y.S. laws as their policy and sought no alternative as the final policy makers, the following are those laws with the implications as pointed out SEE;

> *"Suffolk County, N.Y. <http://ecode360.com/14936559>*
> *Chapter A: Administrative Code, Article IX: Department of Health Services § A9-2 Organization; powers and duties of divisions. The Department shall have the following divisions, which shall have the powers and duties enumerated herein:*
> *A. Division of Public Health. (1) There shall be a Division of Public Health, the head of which shall be the Director of Public Health. He shall be appointed by the Commissioner with the approval of the County Executive and shall either be a physician licensed to practice medicine in the State of New York or have a doctorate in public health.,*
>
> *C. Division of Community Mental Hygiene Services. There shall be a Division of Community Mental Hygiene Services, the head of which shall be the Director of Community Mental Hygiene Services. The Director shall be appointed by the Commissioner with the approval of the County Executive and shall meet such minimum qualifications of education and experience and other standards set by the New York State Commissioner of Health. The Division of Community Mental Hygiene Services shall be made up of two subdivisions: Community Mental Health Services and Alcohol and Substance Abuse Services.",*

and,

> *"Suffolk County, N.Y.* <http://ecode360.com/14937222?highlight=mentally,mental#14937222>
> *§ A9-3 Community Mental Health, Mental Retardation and Developmental Disabilities and Alcohol and Substance Abuse Services Planning and Advisory Board. [1]*
> *There shall be a Community Mental Health,...Services Planning and Advisory Board (Community Services Advisory Board), which shall consist of 15 members appointed by the County Executive for four-year terms of office with the approval of the County Legislature. At least one member of said Board shall be a licensed physician, and one member shall be a certified psychologist,.... The Board shall have separate subcommittees for mental health,.... Six of the members of each subcommittee shall be appointed by the County Executive for four-year terms,.... The Mental Health Subcommittee may have such additional members as required by New York State Mental Hygiene Law, which members shall be appointed by the County Executive, in order to fulfill their responsibilities. Each separate subcommittee shall advise the Community Services Advisory Board, the Director of Community Mental Hygiene Services and the Commissioner of Health Services regarding the exercise of all policy making functions vested in the Director and the Commissioner, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittee."*

58. Plaintiffs incorporates by reference every allegation set forth in the Complaint as if fully set forth herein for the aforesaid section.

IX. THE INDIVIDUAL DEFENDANTS

59. The Defendants' culpability for suit is for having harmed plaintiffs by collaborating to enforce inter alia unconstitutional N.Y.S. and Suffolk County laws of ex parte deprivations that appear in the N.Y.S. Code and N.Y.C.R.R. Rules and Suffolk County laws and rules that contradicts inter alia the United States Supreme Court declaratory decree of SEE "Zinermon v. Burch at 126 (1990)" which proclaims where "covered persons" such as plaintiffs have been denied all due process, as they have been by defendants, they are entitled by that cases mandated declaratory decreed right to bring a tort to discover whether the processes of defendants are constitutional. Defendants' sanctions caused plaintiffs to never be allowed to attend any hearing or know about any hearing because defendants never served or gave notice to plaintiffs regarding defendants' pre-deprivation and post-deprivation processes and the resultant sanctions upon plaintiffs' ultimately concealed plaintiffs' procedural due process in utter secrecy. The N.Y.S. and Suffolk County laws, rules, policy and customs are at issue here for being unconstitutional, for, concealing by utter secrecy inter alia said "Zinermon v. Burch" mandated tort for plaintiffs to have access to a court for remedy; thereby defendants have violated and continue to violate New Yorkers and other "covered persons" including persons such as plaintiffs' substantial and or, in the alternative substantive procedural due process provisions of the Fifth and Fourteenth Amendments under the United States Constitution for equal protection of the laws and several other rights. Defendants are responsible for all subordinates and associates underneath, by all of those defendants' reporting their activities to each other and their superiors causing thereby the defendant superior to have his personal hand in the activities of subordinates and associates regarding culpability as to their knowing or should have known the N.Y.S. laws at issue herein were and are

unconstitutional. Defendants' enforcing unconstitutional N.Y.S. ex parte laws, rules, policy and customs authorizing utterly secret deprivations was wanton disregard of plaintiffs' civil rights and was foreseeable and reckless and therefore defendants cannot have avoided drawing such inference of harm would be caused to plaintiffs on account of the very character of those N.Y.S. and Suffolk County ex parte laws, rules, policy and customs deprivation processes upon plaintiffs, which as knowledge by defendants is their reckless conspiracy to enforce and or sanction known unconstitutional laws that violates plaintiffs' civil rights.

60. All defendants including entities such as municipalities, towns and cities the plaintiffs do assert failed inter alia to have organized training of defendants regarding how not to violate the United States Constitution's civil rights of the people in their jurisdiction and defendants knew or should have known that was necessary, whereas instead defendants have been trained by the named defendant promoting the enforcement of unconstitutional laws, rules, policy, custom, executive official orders and directives which violates New Yorkers such as plaintiffs' United States Constitution's core civil rights. Defendants knew or should have known not to obey the unconstitutional N.Y.S. and Suffolk County laws, rules, executive official orders, directives and customs but instead they choose to obey them, therefore, the Suffolk County municipality is sued in its official capacity. Counties are not considered to have sovereign immunity, SEE "Jinks v. Richland County, 538 US 456 – Spreme Court (2003)", even when they "exercise a slice of state power.", SEE "Lake Country Estates, Inc. v. Tahoe Regional Planning Agency (1979)". Regarding "Caminero v. Rand, 882 F. Supp. 1319, 1325 (S.D.N.Y. 1995)" plaintiffs' alleges that Suffolk County municipality inflicted a constitutional deprivation by adopting unconstitutional policy that was in some way authorized or mandated by state law; "City of St. Louis v. Prapotnik, 485 U.S. 112 (1988)" To establish personal liability, "it is enough to show that the official, acting under color of state law, caused the deprivation of a federal right." Id. At 166. All of the defendants' violated their oath of office where they swore to uphold the United States

Constitution's civil rights of the sovereign people in the State of New York such as plaintiffs, defendants' violated their oaths by their maintenance, enforcement of said laws that when enforced intrinsically violate not only plaintiffs' rights but also violates United States Supreme Court declaratory decrees that outlaws such tyranny when it is exposed; the defendants individually identified with specification of their liability are as follows;

a. **Andrew M. Cuomo, the Governor for N.Y.S.,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and he is sued in his individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. He is sued inter alia for substantial and substantive rights violations amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendments rights under the United States Constitution and several other rights, which must be stopped and corrected so said violations cannot happen again. Additionally the defendant's violations are enforcing the laws, rules and customs at issue authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of New Yorkers such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendant's enforcing the laws, rules, and customs at issue again. The defendant and his subordinates violated their oath of office to uphold the United States Constitution's civil rights of plaintiffs and defendant is responsible for all subordinates and associates underneath, by all of those defendants' reporting their activities to each other and their superiors, causing thereby the defendant superior to have his personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement by the defendant's endorsing laws for political gain and self promotion by signing off on the N.Y.S. laws to create utter secrecy of competency hearings and utter secrecy of covert treatments upon New Yorkers such as plaintiffs in the guise of inter alia the laws "New York State Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}"; "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client..."; SEE (EXHIBIT 1 – Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}) that authorizes the maintenance and enforcement of secrecy of ex parte secret adjudication and covert aversive treatment sanctions processes upon New Yorkers and other "covered persons" including persons such as plaintiffs, for said processes being unconstitutional and unfair and for the aforesaid defendant's appointing all the subordinate N.Y.S. Commissioners and thereby all subordinates and associates that carry out enforcement of color of law actions using unconstitutional laws, and named for the reason that he knew or should have known said laws herein at issue being unconstitutional was foreseeable and reckless. Defendant and their subordinates owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions which were foreseeable and reckless and the defendant and his subordinates and associates are in exclusive control of records and knowledge sought in this case;

b. **Eric T. Schneiderman, the Attorney General for N.Y.S.,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and he is sued in his individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. He is sued inter alia for substantial and substantive rights violations amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendments rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing said N.Y.S. laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of New Yorkers such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendant's enforcing the laws, rules, and customs at issue again. The defendant is responsible for all subordinates and associates underneath, by all of those defendants' reporting their activities to each other and their superiors, causing thereby, the defendant superior to have his personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement by the defendant's endorsing laws for political gain and self promotion by signing off on the N.Y.S. laws to create utter secrecy of competency hearings and utter secrecy of covert treatments upon New Yorkers such as plaintiffs in the guise of the laws "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client..."; SEE (EXHIBIT 1 - Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}) that authorizes the maintenance and enforcement of secrecy of ex parte secret adjudication and covert aversive treatment sanctions processes upon New Yorkers and other "covered persons" including persons such as plaintiffs, for said processes being unconstitutional and unfair and for the aforesaid defendant's appointing or hiring all subordinates and associates that carry out enforcement of color of law actions using unconstitutional laws, and named for the reason that they knew or should have known, because said laws herein at issue being unconstitutional was foreseeable and reckless. Defendant and his subordinates owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions which were foreseeable and reckless. Defendant is violating plaintiffs' rights of substantial and substantive provisions of the Fifth and Fourteenth Amendments under the United States Constitution and other rights by participation and enforcement of the N.Y.S. competency laws adjudications that authorize ex parte secret sanctions upon New Yorkers and other "covered persons" including persons such as plaintiffs under SEE "N.Y. PBH. LAW § 12-a : N.Y. Code - Section 12-A: Formal hearings; notice and procedure, 5. The attorney-general may prefer charges, attend hearings, present the facts, and take any and all proceedings in connection therewith." and that defendant and his subordinates and associates are in exclusive control of records and knowledge sought in this case;

c. **Howard A. Zucker, the Public Health Commissioner for N.Y.S.,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and he is sued in his individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. The defendant is responsible for the actions of but not limited to associate Institutional Review Boards (IRB's). He is sued for substantial and substantive rights violations amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendment rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing said N.Y.S. laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of New Yorkers such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendant's enforcing the laws, rules, and customs at issue again. The defendant is responsible for all subordinates and associates underneath, by all of those defendant's reporting their activities to each other and their superiors, causing thereby, the defendant superior to have his personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement of the N.Y.S. laws to create utter secrecy of competency hearings and utter secrecy of covert treatments upon New Yorkers such as plaintiffs in the guise of the laws "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client..."; SEE (EXHIBIT 1 - Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}) that authorizes the maintenance and enforcement of secrecy of ex parte secret adjudication and covert aversive treatment sanctions processes upon New Yorkers and other "covered persons" including persons such as plaintiffs, for said processes being unconstitutional and unfair and for the aforesaid defendant's appointing or hiring all subordinates and associates that carry out enforcement of color of law actions using unconstitutional laws, and named for the reason that they knew or should have known said laws herein at issue being unconstitutional was foreseeable and reckless. Defendant and his subordinates owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions which were foreseeable and reckless. Defendant is violating plaintiffs' rights of substantial and substantive provisions of the Fifth and Fourteenth Amendments under the United States Constitution and other rights by participation and enforcement of the N.Y.S. competency laws adjudications that authorize ex parte secret sanctions upon New Yorkers and other "covered persons" including persons such as plaintiffs under SEE "N.Y. PBH. LAW § 12-a : N.Y. Code - Section 12-A: Formal hearings; notice and procedure, 5. The attorney-general may prefer charges, attend hearings, present the facts, and take any and all proceedings in connection therewith." and that defendant and his subordinates and associates are in exclusive control of records and knowledge sought in this case;

d. **Anne Marie T. Sullivan, the Mental Health Commissioner for N.Y.S.,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and she is sued in her individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. The defendant is responsible for the actions of but not limited to associate Institutional Review Boards (IRB's). She is sued inter alia for substantial and substantive rights violations amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendments rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing said N.Y.S. laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of New Yorkers such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by the defendant's enforcing the laws, rules, and customs at issue again. The defendant is responsible for all subordinates and associates underneath, by all of those defendants' reporting their activities to each other and their superiors, causing thereby, the defendant superior to have her personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement in the defendant's enforcing the N.Y.S. laws to create utter secrecy of competency hearings and utter secrecy of covert treatments upon New Yorkers such as plaintiffs in the guise of the laws "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and " N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client..."; SEE (EXHIBIT 1 - Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}) that authorizes the maintenance and enforcement of secrecy of ex parte secret adjudications and covert aversive treatment sanctions processes upon New Yorkers and other "covered persons" including persons such as plaintiffs, for said processes being unconstitutional and unfair and for the aforesaid defendant's appointing or hiring all subordinates and associates that carry out enforcement of color of law actions using unconstitutional laws, and named for the reason that they knew or should have known, for said laws herein at issue being unconstitutional was foreseeable and reckless. Defendant and her subordinates owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions which were foreseeable and reckless. The defendants are responsible for all subordinates and associates underneath including but not limited to the Interstate Compact Administrator under laws "N.Y. MHY. LAW § 67.07 : N.Y. Code - Section 67.07: Interstate compact Article VIII (a,b)", by all of those defendants' reporting their activities to each other and their superiors causing thereby the defendant superior to have her personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement of the N.Y.S. competency laws of mental health that authorize ex parte secret sanctions upon New Yorkers and other "covered persons" including persons such as plaintiffs are unconstitutional and unfair, SEE "N.Y. CVP. LAW Article 3 Section 309.(b,c)" the defendant and her subordinates and associates are in exclusive control of records and knowledge sought in this case;

e. **Janet DiFiore, Chief Judge and Head of the New York State Court System,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and she is sued in her individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. She is sued inter alia for substantial and substantive rights violations amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process provisions of the Fifth and Fourteenth Amendment rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing said N.Y.S. laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of New Yorkers such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendant's enforcing the laws, rules, and customs at issue again. The defendant is responsible for all subordinates and associates underneath, by all of those defendants' reporting their activities to each other and their superiors, causing thereby, the defendant superior to have his personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement and by the defendant endorsing laws for political gain and self promotion by signing off on the N.Y.S. laws to create utter secrecy of competency hearings and utter secrecy of covert treatments upon New Yorkers such as plaintiffs in the guise of the laws "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client..."; SEE (EXHIBIT 1 - Governors' Memorandum of the office of Mental Health {1984 McKinney's Session Laws of N.Y., at 3476 chapters 912, 913 and 915}) that authorizes the maintenance and enforcement of secrecy of ex parte secret adjudication and covert aversive treatment sanctions processes upon New Yorkers and other "covered persons" including persons such as plaintiffs, for said processes being unconstitutional and unfair and for the aforesaid defendant's appointing or hiring all subordinates and associates that carry out enforcement of color of law actions using unconstitutional laws and responsible for not censuring and firing subordinates, and named for the reason that they knew or should have known said laws herein at issue being unconstitutional was foreseeable and reckless. Defendant and his subordinates owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions which were foreseeable and reckless; they as judiciary and associates are obligated by the United States Constitution Bill of Rights to outright refuse to enforce such unconstitutional N.Y.S. utterly secret processes. Defendant is responsible for all subordinates and associates underneath including but not limited to adjudications under the Interstate Compact Administrator under laws "N.Y. MHY. LAW § 67.07 : N.Y. Code – Section 67.07: Interstate compact Article VIII (a,b)", by all of those defendants' reporting their activities to each other and their superiors causing thereby the defendant superior to have his personal hand in the activities of subordinates and associates as regards to their knowing or should have known their utterly secret sanctions upon plaintiffs were unconstitutional by their participation and enforcement of the N.Y.S. competency laws of mental and public health that authorize ex parte secret sanctions upon New Yorkers and other "covered persons" including persons such as plaintiffs are unconstitutional and unfair, SEE "N.Y. CVP. LAW Article 3 Section 309.(b,c)" and other similar adjudications and for being the defendant superior of subordinates and associates and other reasons, the defendant's appointing or hiring all subordinates and associates that carry out enforcement of color of law actions using unconstitutional laws and named for the reason that they knew or should have known said laws unconstitutionality was foreseeable and reckless. Defendant owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions which were foreseeable. The defendant N.Y.S. Judicial Systems Head Chief Judge of the State of New York is a defendant for being responsible for all subordinates and associates such as but not limited to the Suffolk County 10th Judicial District Court System District Administrative Judge, District Court Executive, Suffolk County Surrogate Court, Suffolk County mental health court, any office of ex parte motions and other courts underneath including but not limited to the aforesaid courts and furthermore by all of those aforesaid defendants' reporting their activities to the N.Y.S. Judicial Systems Head Chief Judge of the State of New York administrator and immediate subordinates does cause thereby the Chief Judge of the State of New York to have his personal hand in the activities of subordinate courts and their associates as regards their knowing or should have known their utterly secret competency, guardianship and covert treatment or any similar sanctions upon plaintiffs by the inter alia laws at issue in this complaint were unconstitutional, thereby their participation and collaborative enforcement of the N.Y.S. competency laws that authorize ex parte secret sanctions upon New Yorkers and other "covered persons" including persons such as plaintiffs are unconstitutional, unfair and shocks the conscience, such as, SEE "N.Y. CVP. LAW Article 3 Section 309.(b,c)" and other similar N.Y.S. secret adjudications laws and policy. The defendant and his subordinates and associates are in exclusive control of records and knowledge sought in this case where they plausibly have been sealed in an "office of the clerk for ex parte motions" or other office under their aforesaid authority and for other reasons;

f. **Suffolk County municipality**, is a defendant encompassing the officials, agencies and organizations within it and sued for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and it is sued in its official capacity for compensatory damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. Suffolk County is a local municipality apart from N.Y.S. sued separately for support and maintenance and enforcement of law, policy, practice and customs that deprives Suffolk County sovereign peoples of their federal civil rights and violates Supreme Court case law, sued for its adopting and enforcing unconstitutional laws and or, in the alternative adopting the unconstitutional N.Y.S. laws, rules and policy at issue in this complaints allegations that violated inter alia the plaintiffs' substantial and substantive rights as alleged. All of the defendants and Suffolk County municipality adopted the unconstitutional N.Y.S. laws at issue herein as their own policy and enforced them in their official positions, Suffolk County and its officials demonstrated they were not a reasonably prudent governing body by choosing as they did to adopt as final policy makers the unconstitutional N.Y.S. laws at issue for enforcing utterly secret tribunals exceeding constitutional violations to the level that the laws at issue are obviously immoral, shocks the conscience, taints the blood, are unwise and are abhorrent to the United States Supreme Court SEE In re Murchison., 349 US 133 – Supreme Court at pg. 134 (1955) accused must be given inter alia public trial and reasonable notice; Cummings v. Missouri, 71 US 277 – Supreme Court at pg. 323 (1867) bill of attainder, plaintiffs Deborah Lamb and John Mecca have pleaded in this complaint that their lives have been egregiously affected causing the impairment of contracts in their personal and professional lives; In re Groban, 352 US 330 – Supreme Court at pg. 352-353 (1957) for defendants' policy enforcing egregious utterly secret competency and other laws herein sanctions and covertly applied punishment without due process upon such as plaintiffs, instead of an existing alternative course of action being that they should have refused to adopt, copy and emulate the unconstitutional competency law procedures of N.Y.S. that take the form of no notice utterly secret ex parte pre and post deprivations competency sanctions. The N.Y.S. cases of "MATTER OF NEW YORK NEWS (VENTURA), 67 NY 2d 472 - NY: Court of Appeals at 476 (1986)" and "Heard v. Cuomo, 139 Misc. 2d 336 - NY: Supreme Court at 338 (1988)" demonstrates that the sanction upon plaintiffs by defendants for utterly secret unconstrained examinations, diagnoses and treatment is not isolated or a single defendant's action, there are certainly other people in N.Y.S. and Suffolk County whom have been in secret affected by defendants' enforcing such N.Y.S. law(s), the problematic issue is that the defendants' actions being utterly secret and only the defendants' know how many other sovereign people have been similarly affected, furthermore case law of N.Y.S. has issues of how other plaintiffs have tried to get their own records and been refused using the same laws at issue in this complaint and being that there are so many cases they are excluded for brevity's sake. The Suffolk County municipality failed to train its employees to avoid violating federal constitutional rights in circumstances where clearly constitutional duties are implicated in recurrent situations that employees are certain to face is a fact, being in this case the enforcement of Suffolk County's policy shown by ARTICLE IX(A9-2,§ A9-3) which seeks to enforce the emulation of unconstitutional N.Y.S. public and mental health laws that contributed to violations of plaintiffs' federal civil rights and other rights. The Suffolk County municipality's laws of "Article IX: Department of Health Services § A9-2" and "§ A9-3 Community Mental Health" define Suffolk County municipalities, its officials and subordinates policy, custom and practice which according to Suffolk County Article IX § A9-2 and §A-3 as written is to consider N.Y.S. laws as advisory material and by the requirement that in order to be the Suffolk County Mental Hygiene Director they shall meet such minimum qualifications of education and experience "*and other standards*" set by the New York State Commissioner of Health, conditional upon the Suffolk County executive and his commissioners approval; having the implication that the "*other standards set by the New York State Commissioner of Health*" is vague and can be broadly interpreted as an issue to follow all laws of N.Y.S. Public and Mental Health, which is an open ended authorization by Suffolk County to follow all laws preferred by said N.Y.S. Commissioners including unconstitutional N.Y.S. Public and Mental Health laws. The Suffolk County municipality has a federally unconstitutional official policy in the form of legislative enactments; (2) the Suffolk County officials with final policy making authority ratified federally unconstitutional official actions by enforcement of Suffolk County official policy; (3) Suffolk County has a policy not only of inadequate training and supervision but a policy of purposeful violating of the federal rights of peoples including the rights of plaintiffs' (4) this amounts to Suffolk County, its officials, their subordinates and associates being encouraged as custom, policy and practice and acquiescence of federal rights violations of Suffolk County peoples including plaintiffs, which have been egregiously violated. Suffolk County inflicted federal CONSTITUTION rights deprivations upon plaintiffs and subsequent great harm by having adopted and enforcing an unconstitutional policy that is authorized to emulate N.Y.S. law and is demonstrated by Suffolk County "Article IX: Department of Health Services § A9-2" and "§ A9-3 Community Mental Health". Suffolk County municipality adoption of N.Y.S. ex parte competency laws authorized utterly secret pre and post deprivations sanctions upon plaintiffs is causing them harm, they have suffered and are suffering reckless wanton disregard of their federal civil rights by defendant(s), which was foreseeable and reckless and defendant(s) cannot have avoided drawing such inference of harm would be caused to Suffolk County people such as plaintiffs on account of the very character of the Suffolk County policy of ex parte secret deprivations processes, which as knowledge by defendant(s) is their reckless conspiracy violating plaintiffs' substantial and procedural rights under the Fifth and Fourteenth Amendments of the United States Constitution and several other rights in this case, the defendants' actions and inaction of not stopping said violations is indicative of a deliberate reckless and callous indifference to the federal CONSTITUTIONS protected rights of plaintiffs. The defendants were aware or should have been aware their scheme of utterly secret ex parte pre and post deprivation competency sanctions practices and processes violated the plaintiffs' federal civil rights, which, is obvious by case law decisions cited in New York State court cases from the Supreme Court such as "Zinermon v. Burch, 494 US 113 – Supreme Court at 126 (1990)" and other Supreme Court and federal court cases proving the defendants had actual notice and knowledge and are too numerous to mention here that contain case law of United States Supreme Court and federal court decisions that are shown in detail in this complaints sections XXIV-XXVII, which support the issue that the laws that authorize utter secrecy are unconstitutional. The Suffolk County municipal ARTICLE IX illustrates that the criteria for being an official of public and or mental health board member has direct correlation to the defendant(s) adopting New York State laws, firstly, ARTICLE IX is Suffolk County municipality's law originating from the Suffolk County legislature being the governing body and "Article IX: Department of Health Services § A9-2" and "§ A9-3 Community Mental Health" defines Suffolk County's choice of policy, customs and practices for its officials and subordinates to deliberately adopt unconstitutional N.Y.S. laws despite those laws directly contributing to violations of federal civil rights of Suffolk County peoples as well as plaintiffs. The causal adoption of N.Y. S. laws is through Article IX § A9-2 and §A-3 where it states that N.Y.S. laws and policy are to be used as advisory material, by, stating that Suffolk County public and mental health are to take for Suffolk County policy usage, the, standards set by the New York State Commissioner of Health whom of course zealously follows the N.Y.S. laws of public and mental health and the Suffolk County adoption of those N.Y.S. laws is to be conditionally utilized as its policy with the Suffolk County executive and all of his commissioners' approval, also ARTICLE IX § A9-2 has a prerequisite requirements for the official position of the head of public health as director who must be a physician licensed in and with N.Y.S., which has the attendant legal obligations of any physician with director responsibilities to adopt New York State laws that govern physicians as they are pertinent to their public health directorship duties and regarding the directorship position there are no detailed Suffolk County public health laws being present in the Articles, the director adopted the N.Y.S. public health laws, also, the directorship has an alternative prerequisite being that a director of public health must have a doctorate in public health, where, that directly infers Suffolk County requires they have to be a Doctor of Public Health with the same reasons of adopting the N.Y.S. public health laws as a physician. These two prerequisites are a direct implication that Article § A9-2 requires a physician, because a physician has a responsibility by their N.Y.S. license to follow/adopt the laws of N.Y.S. and those N.Y.S. laws must also be followed by a person with a doctorate of public health for their perception to follow legal restriction regarding public health and they therefore adopt N.Y.S. laws, because, their professional degree they were trained in specifies that the N.Y.S. laws of public health are preeminent and have to be followed so as not to be in contradiction and violation of said N.Y.S. laws. All professionals as directors or board members mentioned in the Articles such as a physician, doctor and psychologist in positions as Suffolk County Director of Public Health and board members of Mental Health knew or should have known the N.Y.S. laws at issue in this complaint they adopted as final policy makers authorized by defendant Suffolk County municipality cause unconstitutional violations of federal rights upon Suffolk County peoples such as plaintiffs by enforcing as policy unconstitutional N.Y.S. laws authorizing utterly secret competency sanctions, the said professionals have enforced the said N.Y.S. laws authorizing federally unconstitutional utterly secret competency sanctions upon plaintiffs and defendant(s) sought no alternative to those laws. The implications are that the drafting of the wording of the Articles was done purposefully to obscure Suffolk County municipalities liability under 1983 civil suits by the Suffolk County Legislature, the ultimate analysis of the Suffolk County Articles is that Suffolk County is liable under 1983 for the aforesaid and following reasons on account of the issue that the stated Articles incite the defendants' to adopt N.Y.S. laws as Suffolk County policy as guaranteed by the prerequisite hiring of only physicians, doctors and psychologists whom have a predisposition perception of legal obligations to follow/adopt the N.Y.S. laws albeit with the authorization of the Suffolk County executive. In short Suffolk County has Articles with scant directives of only a quarter of a page of writing for its officials regarding their obligations and actions as to Suffolk County policy for carrying out their jobs of doing the peoples business regarding public and mental health, which obviously leaves Suffolk Officials in a position where they have to make their own policy based on those said Articles, which, incites and promotes the adoption of unconstitutional N.Y.S. laws. Furthermore the prerequisite criteria for applicants to be on the board of mental health in Suffolk County is that of the fifteen board members one must be a physician and another of them must be a psychologist; the board of mental health is affected the same way by those two professionals upon other members of the board without professional licensing, being, that those professionals give their weighty perspectives as licensed with N.Y.S. and N.Y.S. accredited public health degrees promote the Articles incitement to adopt N.Y.S. laws upon other board members. The Suffolk County Legislature has in effect by writing the said Suffolk County municipalities threadbare Article(s) does virtually enforce acquiescence upon Suffolk County municipality and its officials to adopt unconstitutional N.Y.S. laws at issue herein as their policy without being ordered to do so, the officials themselves decided to enforce the unconstitutional N.Y.S. laws and sought no alternative as the final policy makers, the following are those Articles (EXHIBIT 5-A, 5-B SUFFOLK COUNTY DEFENDANTS ADOPTED N.Y.S. LAWS) with their written facts pointed out SEE;

> *"Suffolk County, N.Y. <http://ecode360.com/14936559>*
> *Chapter A: Administrative Code, Article IX: Department of Health Services § A9-2 Organization; powers and duties of divisions. The Department shall have the following divisions, which shall have the powers and duties enumerated herein:*
> *A. Division of Public Health. (1) There shall be a <u>Division of Public Health, the head of which shall be the Director of Public Health. He shall be appointed by the Commissioner with the approval of the County Executive and shall either be a physician licensed to practice medicine in the State of New York or have a doctorate in public health.</u>,*
>
> *C. Division of Community Mental Hygiene Services. There shall be a Division of Community Mental Hygiene Services, the head of which shall be the Director of Community Mental Hygiene Services. The Director shall be appointed by the Commissioner <u>with the approval of the County Executive and shall meet such minimum qualifications of education and experience and other standards set by the New York State Commissioner of Health.</u> The Division of Community Mental Hygiene Services*

shall be made up of two subdivisions: Community Mental Health Services and Alcohol and Substance Abuse Services.",
and,
"Suffolk County, N.Y <http://ecode360.com/14937222?highlight=mentally,mental#14937222>
§ A9-3 Community Mental Health, Mental Retardation and Developmental Disabilities and Alcohol and Substance Abuse Services Planning and Advisory Board. [1]
There shall be a Community Mental Health,...Services Planning and Advisory Board (Community Services Advisory Board), which shall consist of 15 members appointed by the County Executive for four-year terms of office with the approval of the County Legislature. At least one member of said Board shall be a licensed physician, and one member shall be a certified psychologist,.... The Board shall have separate subcommittees for mental health,.... Six of the members of each subcommittee shall be appointed by the County Executive for four-year terms,.... The Mental Health Subcommittee may have such additional members as required by New York State Mental Hygiene Law, which members shall be appointed by the County Executive, in order to fulfill their responsibilities. Each separate subcommittee shall advise the Community Services Advisory Board, the Director of Community Mental Hygiene Services and the Commissioner of Health Services regarding the exercise of all policy making functions vested in the Director and the Commissioner, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittee."

furthermore, the Suffolk County Court system being an extension of the New York State Court System uses N.Y.S. laws despite the fact they could refrain from using those laws of N.Y.S. that are unconstitutional is an example of Suffolk County municipality adopting said unconstitutional N.Y.S. laws by choice and points to the use of them as a custom, practice and policy as an acquiescence to enable unconstitutional conduct by the defendants rather than seeking any alternative which it easily could do, therefore Suffolk County municipality is enforcing unconstitutional N.Y.S. laws as its policy, practice and customs as its personal choice and is sued for inter alia substantial and substantive United States Constitution civil rights violations upon plaintiffs amounting to inter alia secret tribunal hearings tainting plaintiffs' blood, trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendments rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing of said laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendant's enforcing the said laws, rules and customs at issue in this complaint again. The defendant failed inter alia to have organized training of Suffolk County defendants regarding how not to violate the United States Constitution Amendments of civil rights of the people of Suffolk County such as plaintiffs and defendants knew or should have known that was necessary, whereas instead defendants have been trained by the named defendant and promoted the enforcement of unconstitutional laws, rules, policy, customs, Suffolk County executive official orders and directives which violates plaintiffs' core substantial civil rights. Suffolk County is liable for not correcting or training its officials and subordinates to curtail said violations and thereby all are liable and the municipality is liable for not refusing to obey inter alia unconstitutional N.Y.S. and Suffolk County laws. The Suffolk County municipality is the jurisdiction existing that gives rise to the authority of its officials, authorities, subordinates and associates deriving their authority from said jurisdiction and that said jurisdiction existing as a corporate entity with functions of insurance, enforcement of civil liabilities and criminal liabilities, Suffolk County municipality officials and authorities violated their oath of office by failing to uphold the United States Constitution by violating plaintiffs' substantial and substantive procedural rights, thereby the Suffolk County municipality and its officials and subordinates are liable for suit. Defendant owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions upon plaintiffs, because enforcement of unconstitutional laws, rules and policy were foreseeable and reckless. Counties are not considered to have sovereign immunity, SEE "Jinks v. Richland County, 538 US 456 – Spreme Court (2003)", even when they "exercise a slice of state power.", SEE "Lake Country Estates, Inc. v. Tahoe Regional Planning Agency (1979)". The defendant has its personal hand in the activities of Suffolk County officials, subordinates and associates by semiannually reporting their activities to their superiors and the municipality. The defendant and its subordinates and associates are in exclusive control of records and knowledge sought in this case. The defendant has plausibly used the following laws or other laws to unconstitutionally sanction plaintiffs as alleged "N.Y. Code - Section 4501: Self-incrimination"; "N.Y. CVP. LAW Article 3 Section 309.(b,c)"; "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client...";

g. **Steven Bellone, the Suffolk County Executive,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and he is sued in his individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. Defendant promoted the enforcement of unconstitutional laws and or, in the alternative adopted the unconstitutional N.Y.S. laws and rules at issue in this complaints allegations that violated inter alia the plaintiffs' substantial and substantive rights as alleged. He is sued for substantial and substantive rights violations amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendments rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing of said laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendant enforcing the said laws, rules and customs at issue in this complaint again. The defendant failed inter alia to have organized training of Suffolk County defendants regarding how not to violate the United States Constitution Amendments for civil rights of the people of Suffolk County such as plaintiffs and the defendant knew or should have known that was necessary, whereas instead defendants have been trained by the named defendant and promoted the enforcement of unconstitutional laws, rules, policy, customs, Suffolk County executive official orders and directives which violates plaintiffs' core substantial civil rights. The defendant is liable for not correcting or training its officials and subordinates to curtail said violations and thereby all are liable and the municipality is liable for not refusing to obey inter alia unconstitutional N.Y.S. and Suffolk County laws. The defendant is sued in his individual and personal capacity for the deprivation of plaintiffs' substantial and substantive civil rights coupled to the Suffolk County municipality existing that gives rise to the authority of its officials, authorities, subordinates and associates deriving their authority from that municipal jurisdiction. Defendant owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions upon plaintiffs, because enforcement of unconstitutional laws, rules and policy were foreseeable and reckless. The defendant has his personal hand in the activities of subordinates and associates by semi-annually reporting their activities to their superiors. The defendant and his subordinates and associates are in exclusive control of records and knowledge sought in this case. The defendant has plausibly used the following laws or other laws to unconstitutionally sanction plaintiffs as alleged "N.Y. Code - Section 4501: Self-incrimination"; "N.Y. CVP. LAW Article 3 Section 309.(b,c)"; "N.Y. MHY Article 33.13 (c)11. to a qualified person pursuant to section 33.16 of this chapter...," and "N.Y. MHY Article 33.16 (a) 1....relating to the examination or treatment of an...patient or client...such data would never be disclosed to the patient or client...";

h. **Thomas J. Spota, the Suffolk County District Attorney,** is a defendant for being the final policy maker choosing to adopt unconstitutional N.Y.S. laws and rules instead of an existing alternative course of action and violated inter alia plaintiffs' substantial and substantive federal civil rights and thereby is stripped of all immunity and he is sued in his individual and personal capacity for punitive damages, sued inter alia for failing to train subordinates not to violate federal civil rights of the peoples of their jurisdiction and or training subordinates to violate the federal civil rights of the peoples of their jurisdiction. He is sued for the enforcement, support and maintenance of unconstitutional laws, policy, practice and customs and or, in the alternative adopted the unconstitutional N.Y.S. laws and rules at issue in this complaints allegations that violated inter alia the plaintiffs' substantial and substantive rights as alleged amounting to trespassing upon the plaintiffs' bodies by defendant's sanctions of covert surgery and other egregious treatments without plaintiffs in the form of the natural person being given service as notice of hearing for said deprivations, plaintiffs thereby suffered and continues to suffer inter alia violations of plaintiffs' substantial and substantive due process rights provisions of the Fifth and Fourteenth Amendments rights under the United States Constitution and several other rights, which must be stopped and corrected. Additionally the defendant's violations are enforcing of said laws, rules and customs authorizing discrimination by encompassing plaintiffs within the effects of said laws sanctioning utterly secret treatment of covert chastisement and deterrence of such as plaintiffs, treatments of punishment without due process by remote control behavior modification from in vivo devices installed by utterly secret covert surgery, which must be stopped and never to be authorized by defendants' enforcing the said laws, rules and customs at issue in this complaint again. The defendant failed inter alia to have organized training of Suffolk County defendants regarding how not to violate the United States Constitution Amendments for civil rights of the people of Suffolk County such as plaintiffs and defendant knew or should have known that was necessary, whereas instead defendants have been trained by the named defendant and promoted the enforcement of unconstitutional laws, rules, policy, customs, Suffolk County executive official orders and directives which violates plaintiffs' core substantial civil rights. The defendant is liable for not correcting or training its officials and subordinates to curtail said violations and thereby all are liable and the municipality is liable for not refusing to obey inter alia unconstitutional N.Y.S. and Suffolk County laws. The defendant is sued in his individual and personal capacity for the deprivation of plaintiffs' substantial and substantive civil rights coupled to the Suffolk County municipality existing, giving rise to the authority of its officials, authorities, subordinates and associates deriving their authority from the municipality, furthermore the defendant violated their oath of office to uphold the United States Constitution by violating plaintiffs' substantial and substantive procedural rights and other rights, therefore the defendant is liable for suit. Defendant owed it to plaintiffs not to obey or carry out or participate in said unconstitutional sanctions upon plaintiffs, because enforcement of unconstitutional laws, rules and policy were